CITY OF ROCHESTER COUNCIL AGENDA COUNCIL/BOARD CHAMBERS GOVERNMENT CENTER 151 4TH STREET SE

MEETING NO. 14 REGULAR ADJOURNED JUNE 16, 2003 7:00 P.M.

PLEDGE OF ALLEGIANCE

PAGI	\exists		
1-2	A)	NON	IE: OPEN COMMENT PERIOD
	B)	CALL	TO ORDER
3-4	C)	LETTE 1)	ERS AND PETITIONS APPROVED: Petition for Curb. Gutter, and Overlay on 8 ½ Avenue SE
5-6	D)		ENT AGENDA/ORGANIZATIONAL BUSINESS
		1)	APPROVED: Approval of Minutes
7-8		2)	APPROVED: Resolution of Support for Public Safety Training Facility Request for State Capital Bonding Funds
9-10		3)	APPROVED: Resolution of Support for National Volleyball Center Expansion Request for State Capital Bonding Funds
11-14	1	4)	APPROVED: Fee Charge/Increase for Various Licenses and Permits
15-16	6	5)	APPROVED: RCO 112 – Regulation of Peddlers on Private Property
17-20)	6)	APPROVED: Licenses, Bonds and Miscellaneous Activities
21-22	2	7)	APPROVED: On Sale & Sunday Intoxicating Liquor for D & B Roma Inc DBA Café Roma
23-24	1	8)	APPROVED: Transfer of On-Sale Exclusive Liquor and Sunday Liquor Licenses – Pint's Pub from Riptide Bar & Grill
25-26	3	9)	APPROVED: Approval of Accounts Payable
27-30)	10)	APPROVED: Authorize execution of purchase contract with Interwoven Software for content management software and services
31-32	2	11)	APPROVED: Acknowledge and Consent to accept "Alarmed and Alert" grant

33-34	12)	APPROVED: TH 63 Stage 1 Cost Share Agreement #84315 with MnDOT
35-36	13)	APPROVED: Development Agreement & Revocable Permit – Franklin P. Kottschade Property
37-38	14)	APPROVED: Revocable Permit: Mayo Clinic – West Center Street Tunnel Project
39-40	15)	APPROVED: Development Agreement – 41 st Street Plaza Supplemental #1
41-42	16)	APPROVED: Award of Contract: Sanitary Sewer to Serve 6 Lots in Oslo Court NE J7707
43-44	17)	APPROVED: Proposal for Construction Engineering Services: Sanitary Sewer to Serve Six Lots in Osjor Estates 3 rd Subdivision Area, J7707
45-46	18)	APPROVED: Supplemental Agreement 1, Foxcroft Storm Water Basin Improvements, Project M002, J2463
47-48	19)	APPROVED: Advertise for bids to install traffic signal, 55 th Street NW at TH 52 W Frontage Rd – Clearwater Rd NW J6389
49-50	20)	APPROVED: Owner Contract – Basic Construction Industrial Dr NW / Opportunity Dr NW including utilities along the entire frontage of Lot 1, Block 1, Athletic Club Subdivision – J5053
51-52	21)	APPROVED: Owner Contract – Basic Construction in Hawk Ridge – J5040
53-54	22)	APPROVED: Pedestrian Facilities Agreement – Valley High Athletic LLC for Lot 1, Block 1 & Lot 1, Block 2, Athletic Club Subdivisions, Olmsted County, Minnesota
55-56	23)	APPROVED: Pedestrian Facilities Agreement – Phillip D. & Terri L. Brownlow, for part of Lot 4, Golden Hill Addition, Olmsted County, Minnesota
57-58	24)	APPROVED: Pedestrian Facilities Agreement – B / S Development LLC for Lot 10, Block 5, West Park, Olmsted County, Minnesota
59-60	25)	APPROVED: Pedestrian Facilities Agreement – Kolling Bros LLC for Lot 11, Block 1, Airport Industrial Park, Olmsted County, Minnesota
61-62	26)	APPROVED: Development Agreement – Viola Hills Development
63-64	27)	APPROVED: Award of Contract: (J7206) (J7207) & (J7216) Street Reconstruction on 1 st Ave, 4 th Ave, 5 th Ave, 7 th Ave and 5 th St SE
65-66	28)	APPROVED: Advertise for Bids: Construction of Rocky Creek Drive (J9716) and Northern Valley Drive NE (J9364)

- APPROVED: Real Estate Land Rights Transfer from City to Joel Bigelow & Sons for Harvestview
- 30) **APPROVED:** Development Agreement Century Point First
- 31) **APPROVED:** Development Agreement Manor Woods West Fourteenth Subdivision and Residual Lands

E) HEARINGS

- APPROVED: Zoning District Amendment #03-10 by the Williams Family Partnership to zone to M-1 land located east of the Shopko and Menards South Stores and 28th Street S.E. and is north of TH52.
- 75-98 2) **APPROVED:** General Development Plan #208 by the Williams Family Partnership to be known as Williams Industrial Park
- 99-118 3) **APPROVED:** Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC
- 119-138 4) **APPROVED:** Land Subdivision Permit #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC
- 139-146 5) **APPROVED:** Final Plat #03-18 to be known as Circle Drive Business Center Sixth by Badger Development LLC
- 147-152 6) **APPROVED:** Annexation Petition #03-14 by Roger Carlsen for 59.92 acres of land
- 153-158 7) **APPROVED:** Annexation Petition #03-15 by Arleeta Rollins for 26.4 acres of land
- 159-164 8) **APPROVED:** Annexation Petition #03-16 by Ernest Morris for 39.7 acres of land
- APPROVED: Consider the Making of Local Improvement No. M1-28 (J-9789) "Sanitary Sewer and Watermain Extension to Serve the Welch Subdivision Area"
- 171-172 10) **APPROVED:** Obtain Public Comment and Recommendations Concerning the Proposed Charter Amendment Relating to the Removal of a Member of the Charter Board.

F) REPORTS AND RECOMMENDATIONS

173-198 1) **APPROVED:** Findings of Fact for Conditional Use Permit #03-11 and Variance Appeal #03-01 (Zumbro River Constructors and Lake George)

G) RESOLUTIONS AND ORDINANCES

199-200

- H) TABLED ITEMS
- I) OTHER BUSINESS
- J) ADJOURNMENT

MEETING

DATE: 6/16/03

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO.
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING .

DATE: 6/16/03

AGENDA SECTION: Letters and Petitions	ORIGINATING DEPT: City Clerk	ITEM NO.
ITEM DESCRIPTION: PETITION FOR CURB, GUITER, AND OVERLAY ON 8	1/2 AVENUE S.E.	PREPARED BY: Judy Scherr

A petition was received from Gerald and Elizabeth Pestka, 1605 8 ½ Avenue S.E., requesting the City to conduct a feasibility study for an improvement project for Curb, Gutter and Overlay on 8 1/2 Avenue S.E. from Street End to 16th Street S.E.

COUNCIL ACTION REQUESTED

A motion to adopt the prepared resolution forwarding the petition for Curb, Gutter and Overlay on 8 1/2 Avenue S.E. from Street End to 16th Street S.E. to the Public Works Department for a feasibility study.

COUNCIL ACTION: Motion by:	Second by:	to:	

MEETING

			DATE: <u>6/16/03</u>
AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
CONSENT AGE	NDA	CITY ADMINISTRATOR	D-1-28
	OF CONTENTS ACE	NEA ITEMS	PREPARED BY:
TEM DESCRIPTION: AP	PROVAL OF CONSENT AGE	NDA ITEMS	G. NEUMANN
This RCA lists all the ite	ms which have been included ir	the consent agenda for this meeti	ng. The Council can approv
و ماهند و ساهند و سوده د	motion to approve The Count	cil President will allow the Counc	difficulties an opportunity of
whether there are any of	these items which you wish to	have removed from the consent	agenda approval and to nav
discussed and acted upon	separately by the Council.		
_			
The consent agenda for the	his meeting consists of the follow	wing RCAs:	
THE COMPONE THE	· ·		
1)	Approval of Minutes		
2)	Resolution of Support for	Public Safety Training Facility	Request for State Capital
,	Ronding Funds		
3)	Resolution of Support for	National Volleyball Center Exp	ansion Request for State
	Capital Bonding Funds		
4)	Fee Charge/Increase for	Various Licenses and Permits	
5)	RCO 112 – Regulation of	Peddlers on Private Property	
6)	Licenses, Bonds and Mis	cellaneous Activities	o DRA Café Roma
7)	On Sale & Sunday Intoxio	cating Liquor for D & B Roma In	or Licenses — Pint's Pub
8)	Transfer of On-Sale Exc	lusive Liquor and Sunday Liqu	Of Licenses — Times rab
	from Riptide Bar & Grill	ماطم	
9)	Approval of Accounts Pay	yable ourchase contract with Interwo	ven Software for content
10)	Authorize execution of p	od conject	VCII COMMAND ICI COMMONS
4.43	management software ar	nt to accept "Alarmed and Alert	' grant
11)	Acknowledge and Cort Shar	re Agreement #84315 with MnD	OT
12)	Dovolonment Agreement	& Revocable Permit – Franklin	P. Kottschade Property
13)	Development Agreement	Clinic – West Center Street Tu	nnel Project
14)	Revocable Perrilli. Wayo	- 41 st Street Plaza Supplemen	tal #1
15)	Development Agreement	ary Sewer to Serve 6 Lots in O	slo Court NE J7707
16)	Award of Contract. Sain	n Engineering Services: San	itary Sewer to Serve Six
17)	Lots in Osjor Estates 3 rd	Subdivision Area .17707	··· ,
40\	Cupplemental Agreemer	nt 1, Foxcroft Storm Water Bas	sin Improvements, Project
18)	MANON 10462		
10)	Advertise for hids to insta	all traffic signal, 55 th Street NW a	at TH 52 W Frontage Rd -
19)	Clearwater Rd NW J6389	9	
20)	Owner Contract - Basi	c Construction Industrial Dr N	IW / Opportunity Dr NW
20)	including utilities along	the entire frontage of Lot 1	, Block 1, Athletic Club
	Subdivision – J5053		
	Subdivision 5555		
		Second by:	to:
COUNCIL ACTION:	Motion by:	Second by	

Q

Request for Council Action Page 2 June 16, 2003

21)	Owner Contract – Basic Construction in Hawk Ridge – J5040
22)	Pedestrian Facilities Agreement - Valley High Athletic LLC for Lot 1, Block 1 & Lot 1,
,	Block 2. Athletic Club Subdivisions, Olmsted County, Minnesota
23)	Pedestrian Facilities Agreement - Phillip D. & Terri L. Brownlow, for part of Lot 4,
,	Golden Hill Addition, Olmsted County, Minnesota
24)	Pedestrian Facilities Agreement – B / S Development LLC for Lot 10, Block 5, West
_ ,	Park, Olmsted County, Minnesota
25)	Pedestrian Facilities Agreement - Kolling Bros LLC for Lot 11, Block 1, Airport
,	Industrial Park, Olmsted County, Minnesota
26)	Development Agreement - Viola Hills Development
27)	Award of Contract: (J7206) (J7207) & (J7216) Street Reconstruction on 1st Ave, 4th
,	Ave. 5 th Ave. 7 th Ave and 5 th St SE
28)	Advertise for Bids: Construction of Rocky Creek Drive (J9716) and Northern Valley
,	Drive NE (J9364)

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

MEETING DATE: 6/16/03

		DATE: 0/10/03
	ORIGINATING DEPT: Administration	ITEM NO.
ITEM DESCRIPTION: RESOLUTION OF SUPPORT FOR FACILITY REQUEST FOR STATE CAPITAL B	PUBLIC SAFETY TRAINING CONDING FUNDS	PREPARED BY: T. SPAETH

Staff has requested that the City Council adopt a resolution of support to allow an application for State bonding funds to be submitted for the construction of a new Public Safety Training Facility. The Public Safety Training Facility would provide a valuable emergency service training resource for Southeastern Minnesota. The State bonding process provides matching funds for some projects that have a state-wide or regional impact. The proposed Public Safety Training Facility would have such an impact. The City has acquired the land needed for this facility.

The Rochester Fire Department has indicated that \$613,000 in State funding is being requested for Phase I of the project, which has an estimated total cost of \$1,226,000.

This office would recommend approval of the resolution for support. This would be our number one priority.

COUNCIL ACTION REQUESTED.

Approval of the resolution of support for the Public Safety Training Facility bonding request as the number one priority of the City.

COUNCIL ACTION: Motion by:	Second by: to	:



MEETING

DATE: 6/16/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Administration	D-3
ITEM DESCRIPTION: RESOLUTION OF SUPPORT FOR CENTER EXPANSION REQUEST FOR STATE	NATIONAL VOLLEYBALL CAPITAL BONDING FUNDS	PREPARED BY: T. SPAETH

REVISED

Staff has requested that the City Council adopt a resolution of support to allow an application for State bonding funds to be submitted for the expansion of the National Volleyball Center. The National Volleyball Center provides a valuable State-wide and national athletic facility that is consistent with the goals of the State Legislature of having Minnesota be a national leader in providing training facilities for Olympic sports. The State bonding process provides matching funds for some projects that have a state-wide or regional impact.

Rochester Parks and Recreation Department and the Minnesota Amateur Sports Commission are requesting \$3,200,000 for the Phase II expansion of the National Volleyball Center .

This office would recommend approval of the resolution for support. This would be the second priority for the City.

COUNCIL ACTION REQUESTED.

Approval of the resolution of support for the expansion of the National Volleyball Center facility bonding request as the number two priority of the City.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING DATE: 6/16/03 11

AGENDA SECTION:
Consent Agenda

ORIGINATING DEPT:
City Clerk

ITEM DESCRIPTION: Fee Charge/Increase for Various Licenses and Permits

PREPARED BY:
Judy Scherr

It is recommended that the following license/permit fees be approved for the City Clerk's Office effective July 1, 2003. The City Clerk's Office has not charged for services for the permits. Over the past several years, there have been considerable clerical and coordination activities associated with the permits, as well as increasing numbers of applications, necessitating a fee charge.

RCO 117A - Fireworks

Current Fee - \$35.00 (current covers only cost of fire permit)
Recommended Fee - \$60.00

Banners

Current Fee -- None Recommended Fee - \$10.00

Assessment Searches

Current Fee - \$2.00 per certified search

Recommended Fee* - \$10.00 per certified search

\$3.00 per non-certified search over-counter

Limitation of two (2) telephone searches per phone call

*Fees are consistent with Olmsted County Fee Schedule

Miscellaneous/Parades/RCO 117 - Sound Amplification Permits

Current Fee – None Recommended Fee - \$25.00

COUNCIL ACTION REQUESTED

A motion to adopt the proposed fees from the City Clerk's Office for Fireworks, Banners, Assessment Searches, Miscellaneous, Parades and Sound Amplification Permits effective July 1, 2003 and instruct the City Attorney to prepare the required ordinances for adoption. Ordinance rules should be suspended to give a first and second reading to the ordinances.

•	
COUNCIL ACTION: Motion by:	Second by: to:





ROCHESTER



JUDY SCHERR, CMC

City Clerk

201 4th Street SE, Room 135 Rochester, MN 55904-3742 (507) 285-8086 FAX #(507) 285-8256

-Minnesota

To: mayor/lower City Clerk's Office

Quenomeno your appeal as

MEMORANDUM City Clerk's Office

Date:

To:

Steve Kvenvold, City Administrator

From:

Judy Scherr, City Clerk

Subject:

Request to Raise Fees for Licenses and Miscellaneous Activities

There are several permits/licenses that our office issues that the City has not previously collected permit or license fees for. These requests have increased in intensity and now require more coordination by departments, computer and data input and issuance of the licenses. I am requesting that the City start recovering actual costs to allow for such permits.

Firework Sales/Display

Current Fee - \$35.00 Recommended Fee - \$60.00

Issued: Display - approximately 7 per year; Sales - approximately 50 per year

The current fee covers only the fire department permit that is required for all business and fire purposes. No fee has been collected for work by the Police or City Clerk Departments. There are enforcement issues as well with the issuance of these permits as well as considerable clerical coordination. The Planning Department issues an additional tent permit for those businesses at an outside location for an additional fee. We will be coordinating that permit application with our as well but not collecting that portion of the fee. An increase of \$25.00 fee is requested.

Banners

Current Fee - None Recommended Fee - \$10.00

The requested fee will cover the clerical coordination for the permit including signatures and obtaining the approval of the building owners and the hold harmless agreement.

Assessment Searches

Current Fee - \$2.00 each for certified search
Recommended Fee - \$10.00 each for certified search
\$3.00 each for non-certified search over-the-counter
Limitation of one (1) search over telephone at one time

We have title companies asking for non-certified information, 10-20 per time, and have been collecting no fee for the time spent. Doing searches for assessments on this scale ties up both the telephone and counter time. The fees are currently in line with what Olmsted County charges for assessment searches.

Miscellaneous/Parades/Sound Amplification

Current Fee – None Recommended Fee - \$25.00

The Police Department and City Clerk's Office spend considerable time on the coordination, enforcement and issuance for the various miscellaneous permits which include races, neighborhood parties, etc. as well as the parades and sound amplification events. The City needs to start recovering costs for staff time and materials expended.

I would appreciate talking with you about these fees at your convenience.





ROCHESTER





MEMORANDUM City Clerk's Office

JUDY SCHERR, CMC City Clerk 201 4th Street SE, Room 135 Rochester, MN 55904-3742 (507) 285-8086 FAX #(507) 285-8256

Date:

June 5, 2003

To:

Steve Kvenvold, City Administrator

From:

Judy Scherr, City Clerk

Subject:

Additional Fees for Miscellaneous Activities and Licenses

As a follow-up to the request to increase fees, I have noted below the probably increase in revenue as a result. Although the income will be low, at least the clerical and enforcement times will be accounted for. Estimates are based on 2002 information numbers.

Firework Sales/Display

\$1500.00 additional income

Banners

\$20.00 additional income

Assessment Searches

Certified - \$13,183.00 income (mostly generated through searches for County Land Records)

Over-Counter - \$6,240.00

Miscellaneous/Parades/Sound Amplification

\$2,925.00 additional income

Total Projected Increase in Income Due to Fees - \$23,868.00

MEETING 15

DATE: 6/16/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	J-S
ITEM DESCRIPTION: RCO 112 - Regulation of Peddlers o	n Private Property	PREPARED BY: Judy Scherr

Peddlers operating in the City going door-to-door must obtain a peddlers permit from the City Clerk's Office. It has been the past policy of the City not to license those individuals who set up a business on private property (gas station corners, mall lots, hotel/motel rooms, etc.). The City Attorney's Office has confirmed that under the current ordinance, these individuals should be obtaining a peddlers license as well.

There are greater risks for burglary, assaults and other criminal acts at homes and premises from door-to-door peddlers. These individuals are tightly regulated and controlled. Actively pursuing and licensing sales on private property would require active and aggressive participation by the City Clerk's Office and Police Department, neither of which have the resources to do so.

It is recommended that the ordinance be amended to not require licensing for peddlers and transient merchants setting up wares on private property within the City.

COUNCIL ACTION REQUESTED

A motion to amend RCO 112 to remove the provision requiring licensing of peddlers who are selling from private property within the City and instruct the City Attorney to prepare the required ordinance for adoption.

It is requested that the rules be suspended and the ordinance be given a first and second reading.

COUNCIL ACTION: Motion by:	Second by:	_ to:

Memo

To:

Mayor and City Council

From:

Stevan E. Kvenvold

Date:

June 5, 2003

Subject:

Regulation of Peddlers on Private Property

The attached memo from Judy Scherr indicates that the past practice of the City has been not to enforce the requirement that individuals selling items to the public on private property be licensed by the City, although the current City ordinance regulations do require City licenses for such sales activities.

I recommend that the current ordinance be amended to not require that sales on private property be licensed by the City. If such sales activities are to be licensed and enforced by the City, a considerable amount of time and effort would be required by the Police Department and City Clerk's Office without any substantial benefit achieved for the community.

I am requesting that Judy Scherr prepare a RCA requesting that the current ordinance be amended to not require such licensing. Please let me know if you disapprove of this direction.

c: G. Neumann

- J. Scherr
- T. Adkins
- R. Peterson

MEETING

ITEM NO.

DATE: 6/16/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT: CITY CLERK

ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES

D-6

PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

FIREWORKS SALES

TNT Fireworks

St. Paul, Mn. 55101

Tent At: Cub Foods, 1021 15th Avenue S.E.

Board to Death Sports 8 – 4th St SW

Rochester, Mn 55902

Scott Krook

917 Fourth Street N.E.

Byron, Minnesota 55920

Tents At: NAPA, North Highway 52

NAPA, South Highway 14

Soldiers Field Shopping Center/Plaza

GAMBLING - TEMPORARY

American Legion Post #29

315 1st Ave NW

Club Picnic - August 24, 2003, at Bear Creek Park, Marion Road & Highway 14

HOUSE MOVING

Semple Excavating, Inc.

91 Ridder Circke

St. Paul, Mn. 55107

Houses to be moved from:

1736-1738 19TH St NW

1920 17th Ave NW

1803 16th Ave NW

1926 17th Ave NW

1944 – 1946 15th Ave NW



LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES PAGE 2 JUNE 16, 2003

SOUND AMPLIFICATION

Union Local 21 105 North Broadway Rochester, Mn. 55906 Lunch on Local 21 6/24/03 11:00 AM to 2:00 PM Peace Plaza

Valley Street Machines
211 18th St SE
Rochester, Mn. 55904
21st Annual Car & Truck Show 7/12/03 3:00 PM to 10:30 PM
Menards Parking Lot
5150 Highway 52 North

Pik Samoueun 4920 25th Ave NW Rochester, Mn. 55901 Wedding Ceremony & Party 7/4/03 4:00 PM to 10:00 PM

Rochester Faith Tabernacle 804 E Center St Rochester, Mn, 55904 Community Outreach 6/20/03 5:00 PM to 6:00 PM Front of Church

Neighborhood Block Party 10th Street SE between 1st Avenue and 3rd Avenue 6:00 PM – 11:00 PM June 21, 2003

SEWER AND DRAIN LICENSE

Jason Severson Luv-2-Dig, Inc. PO Box 1036 Eyota, Minnesota 55934

MISCELLANEOUS ACTIVITIES

Neighborhood Block Party 2300-2400 13th Avenue NW 5:00 PM to dark June 27, 2003

Neighborhood Block Party 10th Street SE between 1st Avenue and 3rd Avenue 6:00 PM – 1:00 PM June 21, 2003

COUNCIL ACTION REQUESTED

A motion to approve the above listed licenses and miscellaneous activities.



MEETING 21 DATE: 6/16/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	D-7
ITEM DESCRIPTION ON SALE & SUNDAY INTOXICA		PREPARED BY: DONNA J SCHOTT

Application has been received from Dashmir A Shabani for an On Sale and Sunday Intoxicating Liquor license for D & B Roma Inc. DBA Café Roma located at 1635 Highway 52 North.

Approval of the licenses would be pending the required fees, insurance certificates and all departmental Approvals. A confidential investigative report has been returned satisfactorily. Opening of the new Restaurant is scheduled for the first of July.

COUNCIL ACTION REQUESTED

A motion to approve the application for an On Sale and Sunday Intoxicating Liquor License for D & B Roma, Inc. DBA Café Roma located at 1635 Highway 52 North.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING DATE: <u>6/16/03</u> 23

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	City Clerk	D-8
ITEM DESCRIPTION: Transfer of On-Sale Exclusive Pint's Pub from Riptide Bar & Grill	PREPARED BY: Judy Scherr	

Todd Powers has made application for transfer of the On-Sale Intoxicating Exclusive (street bar) Liquor and Sunday Liquor Licenses for the Riptide Bar & Grill from the previous owner, John Prow. The new business will be known as Pint's Pub, located at 530 11th Avenue N.W.

Approval is pending receipt of the required fees, insurance certificates, and departmental approvals.

COUNCIL ACTION REQUESTED

A motion to approve the transfer of the On-Sale Intoxicating Exclusive Liquor and Sunday Liquor Licenses from John Prow, Riptide Bar & Grill, to Todd Powers for the Pint's Pub at 530 11th Avenue N.W.

COUNCIL ACTION: Motion by:	Second by:	to:	
			-

MEETING 25/ DATE: 06/16/03

	ODICINATING DEDT.	ITEM NO.
DA SECTION:	ORIGINATING DEPT: Finance Department	TIEW NO.
Consent Agenda		15-9
DESCRIPTION: Approval of Accounts Payab	ble	PREPARED BY: Dale Martinson
Respectfully request a motion to approve the	he following cash disbursements:	
Investment purchases of \$25,613,604.57		
•		
Accounts payable of \$4,437,457.22		
Total disbursements \$30,051,061.79		
, ,		
(Detailed listing of disbursements submitted	ed separately.)	
(Detailed listing of discussions and		
JNCIL ACTION: Motion by:	Second by: to:	
, , , , , , , , , , , , , , , , , , ,		



REQUEST FOR COUNCIL ACTION		MEETING
***		DATE: <u>06/16/03</u>
AGENDA SECTION: Consent Agenda/Organizational Business	ORIGINATING DEPT: Finance Department	D-10
ITEM DESCRIPTION: Authorize execution of purchase contract with Interwoven Software for content management software and services.		PREPARED BY: Dale Martinson

City departments have continued to utilize the City's websever(s) for more and more efficient delivery of information to their citizens and customers. Necessary budget cuts have them looking to the web and internet for further savings in staff time and other resources. For example, we are currently working on a project to begin accepting payments over our webservers for various City services, starting with our parking tickets.

As use of the webservers for service delivery becomes more commonplace, department managers are seeking to move the delivery of content responsibilities to other staff members who do not have web programming expertise. As more and more content is published on our webservers, keeping track of what is out there, removing out of date items, and keeping a consistent, professional look and feel of all this content becomes impossible to do with our current tools. All of these drivers as well as those noted in the attached memo from the IS Manager have led us to the need for web content management software (CMS).

This software will allow technical users to build templates through which any staff member can distribute up to the minute information. Daily press releases by the public safety departments, for example, will become simply and routinely delivered over the web saving much staff time and allowing for instantaneous delivery to all. A history of the daily postings on the webservers will also be kept for liability purposes when we begin financial transactions over the web. Staging, review and approval before publishing will also be an important component of this software's functionality.

The interdepartmental web design team has been reviewing various software companies' offerings in this area for several months. They have concluded that Interwoven Software provides the best functionality for our needs at the most reasonable cost. Initial costs for the software would be funded through J1977, with annual maintenance fees being paid proportionately by the various departments based upon number of users. RPU has not officially committed to this project at this time but have indicated their support and intent to join us (along with funding) upon completion of their 2004 capital plans. Purchase price of the software is \$80,000 with training estimated at \$3,000 and annual maintenance fixed at \$14,406 per year, billed montly.

Recommended Council Action

Authorize execution of contract with Interwoven Software for content management software and services in the amount of \$97,406 funded through J1977. This approval would be subject to final contract review by the City Attorney.

COUNCIL ACTION: Motion by:	Second by:	to:



INFORMATION SYSTEMS MEMORANDUM

DATE: June 5, 2003

TO: Dale Martinson, Finance Director

FROM: Teryl Apel, Information Systems

SUBJECT: Content Management System

The city is at a point where we need to take a hard look at the procedures and processes that are in place regarding our web site as well as the ongoing development efforts.

The site was initially set up to allow departments to get their feet wet regarding web development and provide an initial web presence for the city. To date there has been little to no oversight/coordination of the development efforts taking place by the departments.

As departments have found posting information to the web as an ideal means of communication with the public, the amount of content has and will continue to grow at a rapid pace. Also, with the budget reductions more and more departments are looking to the web as a means of reducing costs and providing information to the public. As the city expands it's web presence the number of hits/users of our site will also expand exponentially. Thus, the web site becomes a direct reflection on the city as a whole.

We have already begun working with the various departments regarding an array of issues regarding current web design practices. However, to provide the functionality currently needed and to meet future needs the necessity of a content management system (CMS) has become quite apparent. The idea of relying on a small number of staff to provide development, design, and especially ongoing maintenance is quickly becoming impractical.

Obviously as the amount of content grows the dependence on the web site, as a critical tool, to the city departments increases accordingly. Extended downtime becomes less of an option requiring IS to expend additional resources for security, monitoring and backup processes, all of which are addressed via the CMS.

The following lists the top issues/concerns and how they would be addressed with a CMS.

7

- We are not ADA Section 508 Compliant!
 The CMS would help enable Section 508 ADA Compliance by enforcing unified look/feel & navigation including validation of content for web accessibility.
- 2. We have a "unprofessional web presence" as stated by our citizens and customers The CMS would help us easily organize and manage all city web content and enforce the professional look/feel.
- 3. We spend a large amount of money for disseminating information via print and mail. The CMS would make it easier for all content to be made available online reducing the costs of printing and mailing of a large portion of the city's documents. (For example: Public Works Plan Sets, City Council Packets, Park/Recreation Brochures & Schedules, etc...)
- 4. We currently spend a lot of time trying to share information with the public leading to inefficient use of employee time.
 - The CMS would easily allow employees to create and share content with both internal and external customers without having to know HTML. If the employee has ever browsed the internet, they have the skills to publish content. The CMS will also provide greater accountability for the information published since all information will be processed thru workflow allowing for the proper checks and balances to avoid costly mistakes (financial or reputation).
- 5. We consistently have outdated, incorrect, and misspelled information posted to our site. This information is improperly managed since most persons creating the content have little to no training in web page creation or the tools used to create a webpage (html). The CMS will provide a easy to use, web-based interface, that will help the user better manage the information posted to the site. The CMS will also version the information allowing for the greater accountability and legal standing ground. It will also enforce information life-cycle policies and automatically check for spelling errors to make sure that the most current and pertinent information is available. It is not only important to the get the message across, but it is even more crucial to get the message right.

The CMS will require a considerable effort regarding installation, implementation, training, etc., however this really isn't a question of whether we need a CMS or what's involved with implementation but a question of when do we move forward with a CMS. As previously mentioned, what we present to the public via the web is a direct reflection of the professionalism of the city and with all departments looking at expanding their web presence there really won't be a better time then now to move forward with this project.

Thank you for your consideration.



MEETING

			- A C/4 C/C/C/C
			DATE: 6/16/2003
AGENDA SECTION:	ORIGINATING DEPT Fire		ITEM NO.
			PREPARED BY:
TEM DESCRIPTION:			Deputy Chief
Acknowledge and Consent to accept "Alarmed and Alert	t" grant		Felsch
The Fire Department's grant request from the Residential Fire Related Injuries has been appropriately approved the Rochester Fire Department and trunded grant which is administered by the Minner amoke detectors has been awarded for 2003 to received for the period ending June 30, 2003 peginning July 1, 2003.	roved. At the Octob he Olmsted County sota Dept. of Health all of Olmsted Cou and the balance wi	er 10, 2002 Health to ap . A total of \$ unty. \$3750 Ill be awarde	pply for this federally 5000 and a supply of the money will be different the fiscal year
These funds will be dispensed to each of the fire of number of households and with Rochester Fire I depository, grant reporting and information exchange of acilitate and fund the placement of smoke of community, including seniors, low income home of education, fire safety materials, program expended to carry out the "Alarmed and Alert" program.	Department being thinge. The monies ar detectors into the ho wners on a "need" banses and to purchas	e lead agend e provided to omes of "at r asis. Funds n	each fire departmen isk" segments of the nay be used for public
COUNCIL ACTION REQUESTED The Rochester Fire Department requests permiss	ion to accept the "Ala	armed and Ale	ert Grant



MEETING

33

DATE:

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: Public Works	D-12
ITEM DESCRIPTION:	TH 63 Stage 1 MnDOT Cost Share Agreement #84315-l Limited Use Permit		R. Freese

The Minnesota Department of Transportation has requested the City enter into a Cost Share Agreement #84315-R for the construction of Stage 1 of the TH 63 / 48th Street South Interchange and associated local streets. On July 15, 2002 a Public Hearing on the TH 63 Project was conducted by the City Council as required per Minnesota Statute 161.164. The City Council approved Resolution #474-02 for the TH 63 Final Geometric Layout Plan as required by the new Municipal Consent Law passed by the State Legislature in 2001. A specific provision of the Municipal Consent Law required that MnDOT identify what the local unit of governments cost share will be for the proposed project prior to the adoption of the Layout Plan by the local government. In addition the City Council also approved by Resolution #474-02, its intent to enter into a Municipal Cost Share Agreement with MnDOT for the City's share of the Stage 1 improvements.

The Project will be constructed in two stages. Stage 1 will include the interchange at 48th Street and the reconstruction of 48th Street and St. Bridget Road. Stage 2 will be bid as a separate project in 2004 and will include the interchange at 40th Street and the reconstruction of 40th Street, Commercial Drive and Woodlake Drive. Later this year, MnDOT will seek from the City a Resolution indicating the City's intent to enter into a Municipal Cost Share Agreement with MnDOT for the City's share of the improvements in Stage 2 of the TH 63.

The Cost Share Agreement provides for payment by the City to the State of the City's share of the cost, estimated at \$3,949,433.16, for roadway, bridge, bridge aesthetics and painting, sidewalk, multi-use trail, storm water pond, sanitary sewer relocation and oversizing, watermain relocation and oversizing, storm sewer, roadway lighting, to be performed upon, along and adjacent to the TH 63 / 48th Street interchange, 48th Street west of the TH 63 centerline, St. Bridget Road north of 45th Street SE, and 40th Street SE between TH 63 and St. Bridget Road. Funding for the final construction costs shall be allocated as follows:

50% Special Assessments & Traffic Improvement District Charges paid by benefiting property owners

25% Municipal State Aid System

25% General Obligation Bonds paid by property tax.

Funding allocation for the preliminary and final engineering and right-of-way costs shall be based on a Policy approved by the City Council at the time the Transportation Improvement District and charges are established.

Staff recommends Council approval of the Cost Participation Resolution for Stage 1 improvements and the Limited Use Permit Resolution for construction and maintenance of a pedestrian trail and sidewalk with the 48th Street right-of-way over TH 63.

COUNCIL ACTION REQUESTED:

- 1. Adopt a Resolution authorizing the Mayor and City Clerk to execute a Municipal Cost Share Agreement with MnDOT for the Stage 1 Construction of the TH 63 / 48th Street South interchange and associated local street improvements.
- 2. Adopt a Resolution authorizing the Mayor and City Clerk to execute a Limited Use Permit with MnDOT to allow for a pedestrian trail and sidewalk within the 48th Street right-of-way over TH 63.
- 3. Direct the City Administrator and Public Works Director to establish a Transportation Improvement District for City Council review by October 15, 2003.
- 4. Authorize the City Administrator and Finance Director to initiate a General Obligation Bond sale.

COUNCIL ACTION: Motion by:	Second by:	to

3

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MEETING

DATE:

6/16/03

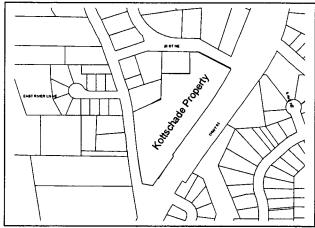
AGENDA SECTION:	Consent Agenda	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:	ITEM DESCRIPTION: Development Agreement & Revocable Permit – Franklin P. Kottschade Property		PREPARED BY:

Franklin P. Kottschade is the Owner of real property in the City of Rochester located in the southwest quadrant of the intersection of T.H. 63 and 23rd St NE. The Owner and City Staff have had discussions relating to the development of the property and proposed improvements to the surrounding infrastructure that are to facilitate the future development of the Property. Based on the discussions, the content for a Development Agreement and Revocable Permit have been decided and a document has been created. The major items covered in the Agreement include the following:

- Dedication of easements for right-of-way & utilities
- Site Access
- Issuance of a Revocable Permit for private use of a portion of the existing 23rd St NE right-of-way, while the vacation of said right-of-way is being processed.
- Vacation of existing right-of-way for 23rd St NE
- Construction of public infrastructure.
- Pedestrian Facilities along 23rd St NE & T.H. 63.
- Payment of development related charges.

Staff recommends the Council approve the Development Agreement, and a Revocable Permit which the Owner has indicated he will execute prior to the Council meeting on 6/16/03.

A Condition of approval for the Revocable Permit should be dedication of the applicable public right-ofway easement by the Owner, that will provide for a turnaround at the northwest corner of the Property to replace the right-of-way to be vacated for 23rd St NE.



COUNCIL ACTION REQUESTED:

- 1. Authorize the Mayor and City Clerk to execute the Development Agreement with Franklin P. Kottschade for real property in the City of Rochester located in the southwest quadrant of the intersection of T.H. 63 and 23rd St NE.
- 2. Authorize the Mayor & City Clerk to execute a Revocable Permit for private use of a portion of the 23rd St NE right-of-way until such time as the 23rd St NE right-of-way is vacated by the City Council, subject to a condition requiring the dedication of a right-of-way easement on the northwest corner of the Property for a turnaround.

COUNCIL ACTION: Motion by:	Second by:	to:



REQUEST FOR COUNCIL ACTION MEETING

INLO	OLOT TOK GOOMGIL HOLDS	DATE: <u>06/16/03</u>
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	1TEM NO 14
ITEM DESCRIPTION: Revocable Permit: Mayo Project.	Clinic - West Center Street Tunnel	PREPARED BY: M. Nigbur
of way of West Center Street lying beto discussions on the design of the street to complete the reconstruction of Cent the street restoration associated with the City will reimburse Mayo based on	e Permit for the construction of a pedest veen 3 rd and 5 th Avenue. The Owner and restoration and tunnel design. City and er street between 3 rd & 4 th Avenues at the tunnel project. Mayo will provide the sactual costs for the City's share of the Pould recommend in favor of granting a Refermit which includes the standard language.	Mayo have had Mayo have also agreed is time concurrent with street construction while roject.
		The second secon
	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	
Mayo West Employee Ramp		and the state of t
	Tunnel Project	
5.	104 EDE EDE EDE EDE EDE SEE SEE EDE SEÇEDE EDE SEE SEE	385 - 27 - 20 - 20 - 20 - 20 - 20 - 20 - 20
		Sonda Building
COUNCIL ACTION REQUESTED:		
Authorize the Mayor and City Clerk to placement of a pedestrian tunnel with Avenues.	execute the revocable permit Mayo Clining the right of way of West Center Street	ic Rochester to allow the lying between 3 rd and 5 th
COUNCIL ACTION: Motion by:		o:



MEETING

39

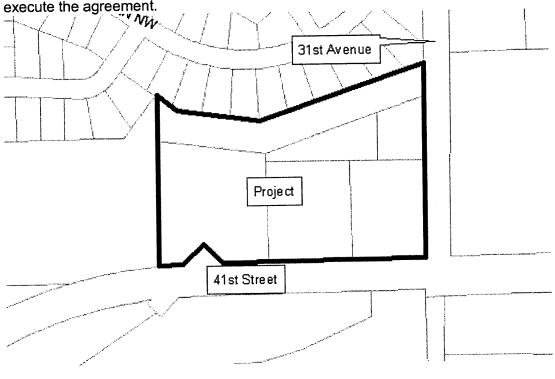
DATE:

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: Public Works	D-15
ITEM DESCRIPTION: Development Agreement– 41st St		reet Plaza Suppplement # 1	PREPARED BY: M. Nigbur

The Owners of the 41st Street Plaza Development and the City Staff have had discussions relating to amending the existing Development Agreement. The purpose of the amendment includes:

- More accurately defining the access locations to the property along 41st Street NW.
- Define the Owner's obligation for right of way /easement dedication for 31st Avenue.
- Define which lots within the development shall pay the full contribution for signalization.
- Providing additional right of way, if needed, for a future median in 41st Street.
- Agreement to not oppose, if warranted, the construction of the median in 41st Street restricting access to the easterly most driveway.

Staff recommends the Council approve the Development Agreement Supplement. The developers have agreed to execute the agreement.



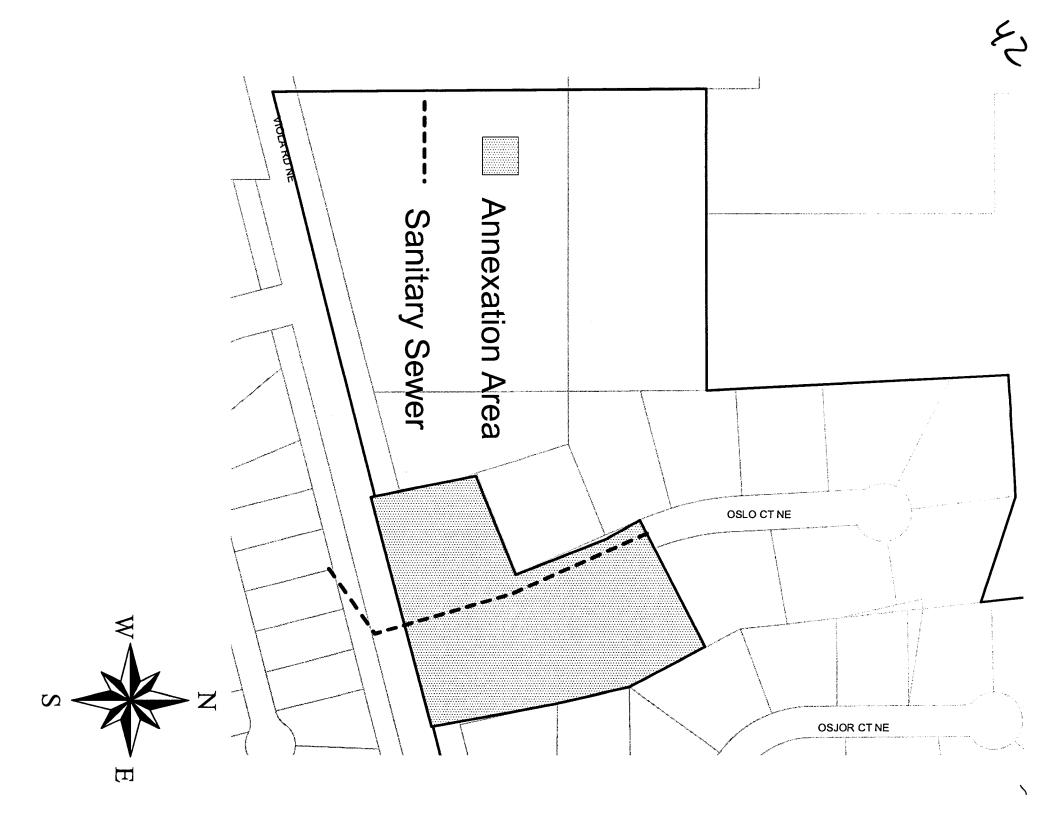
COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the 41st Street Plaza Development Agreement Supplement #1.

COUNCIL ACTION: Motion by:	Second by:	to:



		REQUEST	FOR COUNCIL ACTION	MEETING DATE:	6/16/03
AGENDA SECTION: CONSENT	AGENDA		ORIGINATING DEPT: Public Works	ITEM NO.	16
ITEM DESCRIPTION:		Sanitary Sewe	er to Serve 6 - Lots in Oslo Court	PREPAREI	ehr
			for the following project:		
"Sanitary S Oslo Cour	Sewer to Serve Lot	s 1-3 and Lots	11-13 in Osjor Estates 3 rd Sub	division Loc	ated on
Friedges (r Sand and Gravel Construction Excavating	\$85,932.95 \$94,104.08 \$94,191.50 \$98,675.00 \$98,675.00			
Engineer's	s Estimate	\$76,437.00			
Rochester, The project Agreement Availability Annexation award of c	t is proposed to be f ts), Sales Tax Reve Charges for the Vic	funded from Sa nue appropriate sla Road NE se	nitary Sewer Connection Charge ed to the Water Quality Protectio	es (Utility Coni in Program, ar	nection nd Sewer 003. An
	ACTION REQUES				14.0
If the City Mechanica	Council wishes to page.	roceed a resolu	ition could be adopted awarding	the contract to	o winona
Attachme	nt: Project Locatio	n Map			
COUNCIL ACTIO	Nº Mation but		Second by:	_ to:	



MEETING DATE:

43

AGENDA SECTION:
CONSENT AGENDA

Proposal for Construction Engineering Services: Sanitary Sewer to Serve Six Lots in Osjor Estates 3rd Subdivision Area, J7707

ITEM DESCRIPTION:
Proposal for Construction Engineering Services: Sanitary Sewer to Serve Six Lots in Osjor Estates 3rd Subdivision Area, J7707

J. Loehr

This is a proposal from WHKS & Company to provide Construction Engineering Services for the following local improvement project:

<u>Project No. M2-33, J7707</u>
"Sanitary Sewer to Serve Lots 1-3 and Lots 11-13 in Osjor Estates 3rd Subdivision Located on Oslo Court NE."

WHKS & Company is recommended to perform the Construction Engineering Services for the project since they performed the Design Engineering Services for the project and are familiar with the project, and WHKS is capable of performing the desired level of engineering required to construct the project.

WHKS proposes that they perform the construction services on an Actual Cost Not to Exceed Basis based on the WHKS rate fee structure. WHKS estimates that their cost to perform construction services for project J7707 is \$6,828.

The award of contract for project J7707 is scheduled for the City Council meeting of June 16, 2003. Approval of a Construction Engineering Service Agreement is appropriate at this time.

COUNCIL ACTION REQUESTED:

 Adopt a resolution authorizing the execution of Construction Engineering Service Agreement with WHKS & Company for an Actual Cost Basis Not to Exceed \$6,828.00 based on the WHKS hourly rate fee structure.

Attachments: WHKS Construction Engineering Service Proposal

COUNCIL ACTION: Motion by:	Second by: to:	



ENGINEERS PLANNERS LAND SURVEYORS

GERALD WEILAND, P.E., PRESIDENT & CEO PENNY SCHMITZ, EXEC. V.PRES., COO & CFO FOUAD DAOUD, P.E. & S.E., VICE PRESIDENT RICK ENGSTROM, C.E.T., VICE PRESIDENT MICHAEL ZELINSKAS, P.E., VICE PRESIDENT

> 2905 SO. BROADWAY ROCHESTER, MN 55904-5515 phone 507-288-3923 fax 507-288-2675 e-mail rochester@whks.com website: www.whks.com

May 8, 2003

Mr. Jim Loehr Program Manager City of Rochester, Water Quality Protection Program 201 Fourth Street SE, Room 108 Rochester, MN 55904-3740

RE: Proposal for Staking, Testing, and Observation Services for City Project No.

M2-33, J7707 Sanitary Sewer to Serve Oslo Court NE

Dear Mr. Loehr:

As per your request, we are pleased to submit our Engineering Services Proposal for the aforementioned project. We have based this estimate on a projected 14 working day project, a projected average observation time of 4 site hours per day and staking of 12 total hours.

1. a)	Site Observation Tech	56 hr x \$ 66 =	\$	3,696
b)	Project Mgmt, Meetings, etc.	12 hr x \$ 88 =	<u>\$</u>	1,056
		SUBTOTAL	\$	4,752
2.	Staking (2 man on site) Tech Office Comp.	12 hr x \$112 = 2 hr x \$ 66 =	\$ \$	1,344 132
		SUBTOTAL	\$	1,476
3.	Material Testing		\$	300
4.	Record Drawings		<u>\$</u>	300
		TOTAL	\$	6,828

We propose to perform the subject services on an hourly, not to exceed basis at the hourly rates denoted above. Please contact me if you have any questions, or need additional information.

Sincerely,

Allan J King F.E.

S:/Proposals/2003/Rochester/oslo ct /JL Proposal Oslo .doc

OTHER OFFICES:

P.O. BOX 1467 470 CENTRAL AVENUE 1421 S. BELL AVE. SUITE 103 167 SINSINAWA AVENUE MASON CITY, IA 50402-1467 DUBUQUE, IA 52001-7024 AMES, IA 50010 EAST DUBUQUE, IL 61025-1218 PHONE 641-423-8271 PHONE 563-582-5481 PHONE 515-663-9997 PHONE 815-747-8833

MEETING

<u>6-16-03</u>

DATE:

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-18
ITEM DESCRIPTION:	Supplemental Agreement 1, Foxo Improvements, Project M002, J2	croft Storm Water Basin 463	PREPARED BY: 500

This project was constructed in 2000 and 2001 to revise the existing stormwater basin. Improvements included a permanent pool to improve water quality, and outlet structure improvements.

Supplemental Agreement 1 is needed to close out the project.

The supplemental agreement includes storm sewer pipe joints that were different than the plans, and includes additional riprap to correct an erosion problem. The contractor, Rochester Sand & Gravel, has signed the supplemental agreement.



COUNCIL ACTION REQUESTED:

Authorize Supplemental Agreement 1 to the Foxcroft Storm Water Basin Improvements, Project M002, J2463, in the amount of \$8,208.75.

COUNCIL ACTION: Motion by:	Second by:	to:

REQUEST FOR COUNCIL ACTION MEETING

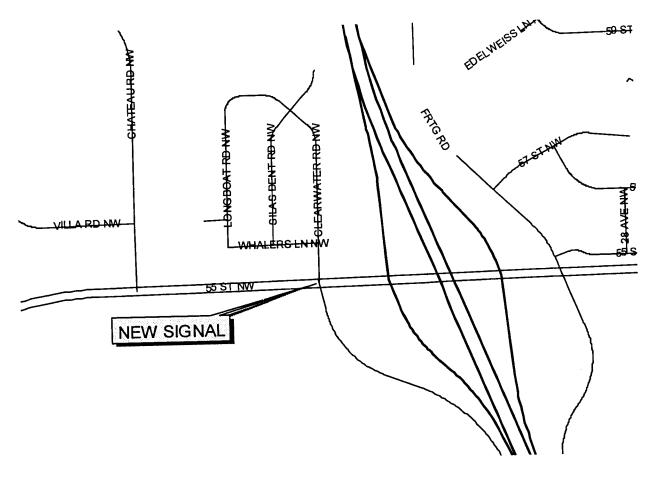
DATE:

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: Public Works	D-19
ITEM DESCRIPTION: Advertise for bids to install traffic signal, 55 th Street NW at TH 52 W Frontage Rd – Clearwater Rd NW, J6389		PREPARED BY: pv D. Kramer	

Installation of this traffic signal was discussed at the June 2, 2003 Committee of the Whole meeting.

On June 2, 2003 the city council approved entering into an agreement with Olmsted County for construction of the signal. The county board approved the agreement on June 10, 2003.

This signal is not included in the current CIP. The cost split is 50% city, 50% county. The city's share of the signal cost, approximately \$100,000, will come from Municipal State Aid funding.



COUNCIL ACTION REQUESTED:

Authorize advertising for bids to install traffic signal, 55th Street NW at TH 52 W Frontage Rd -Clearwater Rd NW, J6389.

COUNCIL ACTION: Motion by:	Second by: to:



MEETING

DATE:

49

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:
Public Works

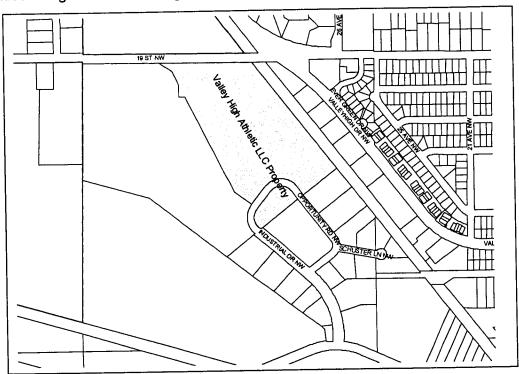
Owner Contract – Basic Construction Industrial Dr NW /
Opportunity Dr NW, including utilities along the entire frontage of
Lot 1, Block 1, Athletic Club Subdivision - J5053

ITEM NO.

PREPARED BY:
M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Valley High Athletic LLC (Owner) & The Excavators of Rochester, Inc. (Contractor) are requesting a City / Owner Contract J5053, consisting of "Basic Construction Industrial Dr NW / Opportunity Dr NW, including utilities along the entire frontage of Lot 1, Block 1, Athletic Club Subdivision".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5053 "Basic Construction Industrial Dr NW / Opportunity Dr NW, including utilities along the entire frontage o Lot 1, Block 1, Athletic Club Subdivision".

COUNCIL	ACTION: Motion by:	Second by:	to:



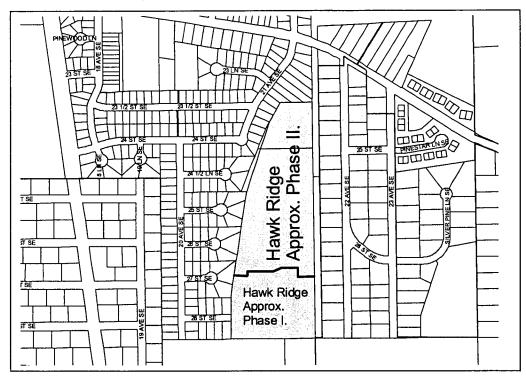
6/16/03

UEST FOR COUNCIL ACTION	MEETIN
	DATE:

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:	Owner Contract – Basic Construc	tion in Hawk Ridge - J5040	PREPARED BY: M. Baker W.

Staff would offer the following Owner Contract project for consideration by the Council:

Hawk Ridge Development LLC (Owner) & Elcor Construction, Inc. (Contractor) are requesting a City / Owner Contract J5040, consisting of "Basic Construction in Hawk Ridge".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5040 "Basic Construction in Hawk Ridge".

COUNCIL ACTION: Motion by:	Second by: to:



MEETING

DATE:

53⁶/16/03

AGENDA SECTION:

CONSENT AGENDA

Public Works

Public Works

Prepared BY:

1, Block 1, & Lot 1, Block 2, Athletic Club Subdivisions, Olmsted County, Minnesota

ORIGINATING DEPT:

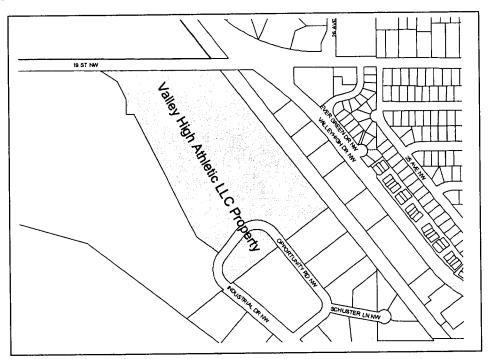
Public Works

PREPARED BY:

M. Baker V3

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

 Valley High Athletic LLC is the Owner of real property platted as Lot 1, Block 1, & Lot 1, Block 2, Athletic Club Subdivision, Olmsted County, Minnesota. The Owner has requested that a Pedestrian Facilities Agreement be approved to address its obligations for providing pedestrian facilities along the frontage of the Property abutting Industrial Dr NW / Opportunity Dr NW.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Valley High Athletic LLC for Lot 1, Block 1, & Lot 1, Block 2, Athletic Club Subdivision, Olmsted County, Minnesota.

COUNCIL ACTION: Motion by:	Second by:	to:

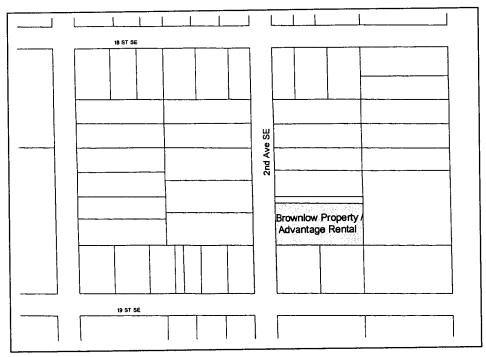


MEETING DATE: **55** 6/16/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D -23
ITEM DESCRIPTION:	Pedestrian Facilities Agreement – for part of Lot 4, Golden Hill Addit	Philip D. & Terri L. Brownlow, ion, Olmsted County, Minnesota	PREPARED BY: S

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

Philip D. & Terri L. Brownlow are the Owners of real property platted as Lot 4 except the North 15.00 feet thereof, Golden Hill Addition, Olmsted County, Minnesota. The Owners have requested approval of a Site Development Plan (SDP#03-35) for Advantage Rental Company, to allow addition development on the Property, and as a condition of approval, have requested that a Pedestrian Facilities Agreement be approved to address their obligations for providing pedestrian facilities along the frontage of the Property abutting 2nd Ave SE.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Philip D. & Terri L. Brownlow, for Lot 4 except the North 15.00 feet thereof, Golden Hill Addition, Olmsted County, Minnesota.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

6/16/03

DATE:

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:
Public Works

ITEM NO.

ORIGINATING DEPT:
Public Works

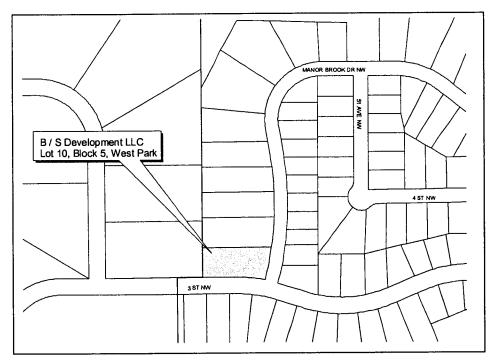
Pedestrian Facilities Agreement – B / S Development LLC, for Lot
10, Block 5, West Park, Olmsted County, Minnesota

ITEM NO.

PREPARED BY: M. Baker: M. Baker:

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

 B / S Development LLC is the Owner of real property platted as Lot 10, Block 5, West Park, Olmsted County, Minnesota. The Owner has requested that a Pedestrian Facilities Agreement be approved to address its obligations for providing pedestrian facilities along the frontages of the Property abutting Manor Brook Dr NW & 3rd St NW.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with B / S Development LLC, for Lot 10, Block 5, West Park, Olmsted County, Minnesota.

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COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING

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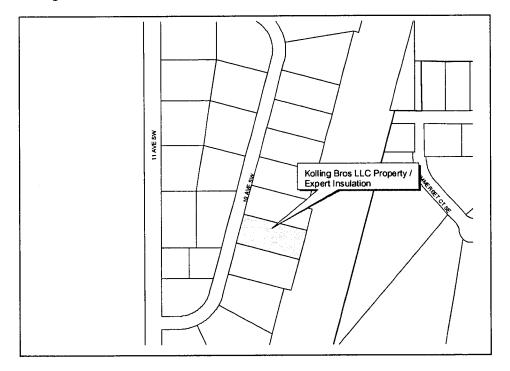
DATE:

6/16/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-25
ITEM DESCRIPTION:	Pedestrian Facilities Agreement – Kolling Bros LLC, for Lot 11, Block 1, Airport Industrial Park, Olmsted County, Minnesota		PREPARED BY: 90 M. Baker

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

• Kolling Bros LLC is the Owner of real property platted as Lot 11, Block 1, Airport Industrial Park, Olmsted County, Minnesota. The Owner has requested approval of a Site Development Plan (SDP#03-29), to allow the development of the Property with a business to be known as Expert Insulation, and as a condition of approval, has requested that a Pedestrian Facilities Agreement be approved to address its obligations for providing pedestrian facilities along the frontage of the Property abutting 10th Ave SW.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Kolling Bros LLC, for Lot 11, Block 1, Airport Industrial Park, Olmsted County.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

DATE:

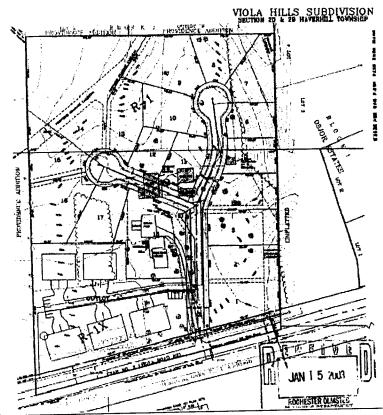
06/16/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	1TEM NO. 5-2φ
ITEM DESCRIPTION: Development Agreement– Viola H	lills Development	PREPARED BY: M. Nigbur

The Owners of the Viola Hills Development and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Mangement
- Traffic Improvements: roadway connections, right of way dedication, controlled access dedication, pedestrian facilities, traffic control signs, and turn lane construction.
- Private Lift Station construction & Maintenance
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, parkland dedication and Transportation Improvement District charges.

Staff recommends the Council approve the Development Agreement. The developers have executed the agreement.



COUNCIL ACTION REQUESTED:

IN CHILD TO THE PROPERTY OF ACT

Authorize the Mayor and City Clerk to execute the Viola Hills Development Agreement with Todd Ustby.

,	
COUNCIL ACTION: Motion by:	Second by: to:



MEETING DATE: 06/16/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

PUBLIC WORKS

D-27

ITEM NO.

PUBLIC WORKS

Street Reconstruction on 1st Ave, 4th Ave, 5th Ave, 7th Ave and 5th St SE

PREPARED BY:

PY

PY

Bids were received and opened after 11:00 a.m., June 11, 2003 for the following local improvement project:

Project:

City Project No: 6304-2-02 J7206

Street Reconstruction on 4th Ave SE from 4th St to 6th St SE AND on 5th St SE from 3rd Ave to 5th Ave SE, and on 5th Ave SE from 5th St to 6th St SE

&

City Project No. 6301-2-02 J7207

Street Reconstruction on 1st Ave SE from 4th St south to end of street (to Mayo Fullerton Lot)

&

City Project No: 6307-2-02 J7216

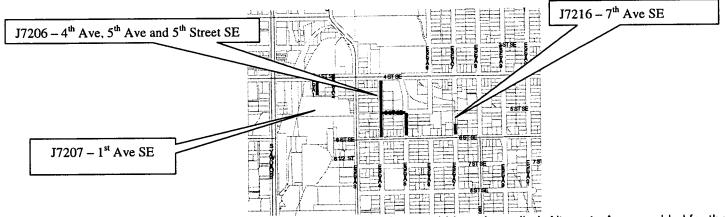
Curb, Gutter & Overlay on 7th Ave SE from 6th St SE to street end

Project Background

The streets shown as J7206 and J7207 below were constructed with bituminous curb between 1928-1952. The area shown as J7216, 7th Ave SE was reconstructed with watermain in 1968.

An informational meeting was held with the abutting property owners on October 29, 2002.

The project and assessment hearings were adopted at the December 9, 2002 council meeting.



The projects will be Contracted as a combined bid. An alternate bid section called, Alternate A, was added for the reconstruction of a storm sewer line to meet current standards, if there are available funds.

The following bids were received:

Rochester Sand & Gravel Road Constructors Elcor Construction	Combined Bid	Alternate A	Total Bid
	\$ 449,238.70	\$ 58,224.75	\$ 507,463.45
	\$ 500,403.40	\$ 58,765.80	\$ 559,169.20
	\$ 505,204.60	\$ 59,888.00	\$ 565,092.60
Engineers Estimate	\$ 424,666.70	\$ 49,463.90	\$ 474,130.60

Project Recommendation:

The Public Works Department recommends the City Council proceed with an award to the low bidder for the combined contract and alternate A.

COUNCIL ACTION REQUESTED:

Adopt a resolution awarding the contract, (J7206), (J7207), & (J7216) Street Reconstruction on 1st Ave, 4th Ave, 5th Ave, 7th Ave and 5th St SE to Rochester Sand & Gravel.

COUNCIL ACTION: Motion by:	to:

MEETING

DATE:

AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
CONSENT	AGENDA	Public Works	0-28
ITEM DESCRIPTION:	ADVERTISE FOR BIDS: Construction of Rocky Creek Drive (J9716)and Northern Valley Drive NE (J9364)		PREPARED BY: D. Nelson

This is a request for a resolution to advertise for bids.

Project Number

State Aid Project 159-148-02

City Number (J-9716)

Project Name

Construction of Rocky Creek Drive NE connecting ends of street in Glendale Hills 3rd and Northern Heights 2nd.

Project Number

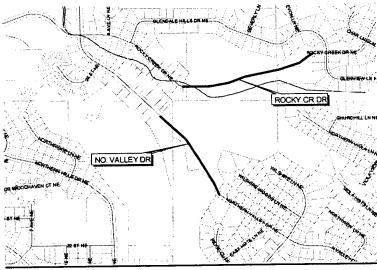
State Aid Project 159-141-01

City Number (J-9364)

Project Name

Construction of Northern Valley Drive NE connecting ends of street in Northern Heights East and Glendale Hills.

This project is included in the 2003 – 2008 Capital Improvement Program, items #9 and #10, page 32. The project is proposed to be funded from State Aid funds, Developer Contributions, and Water Utility funds.



COUNCIL ACTION REQUESTED:

A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on July 16, 2003 at 11:00 AM for the "Construction of Rocky Creek Drive NE and Northern Valley Drive NE".

Note to City Clerk: Advertise 3 times in the Post Bulletin and Construction Bulletin beginning June 20, 2003.

COUNCIL ACTION: Motion by:	Second by:	to:
		and the second s



CITY OF ROCHESTER NOTICE OF BIDS

Notice is hereby given that bids will be received at the office of the City Clerk until 11:00 A.M. on July 16, 2003 for the construction of the following described local improvement, pursuant to Minnesota Statutes, Chapter 429, as amended, in accordance with the plans and specifications for the same which are on file in the Office of the City Clerk of said City:

SP 159-148-02

City Project No. (J-9716)

Construction of Rocky Creek Drive NE connecting ends of street

SP 159-141-01

City Project No. (J-9364)

Construction of Northern Valley Drive NE connecting ends of street

Immediately following expiration of the time for receiving bids, the City Clerk and two designated City officials will publicly open said bids in the City Hall. The Common Council will consider the bids in the Council/Board Chambers at the Government Center at 7:00 P.M. on July 21, 2003.

Said Construction generally consists of bituminous roadway construction, including sidewalk, sanitary sewer, storm sewer, subdrain, and watermain. The work includes the following approximate quantities of work:

Common Excavation	15,563Cu Yds	Bituminous Mixture	2,380 Tons
Common Borrow	16,500 Cu Yds	Rock Excavation	995 Cu Yds
Select Gran. Borrow	22,170 Cu Yds	8" Alt Pressure Pipe	954 Lin Ft
Aggregate Base	. 2,690 Cu Yds	12-27" RCP	2,379 Lin Ft
Concrete Sidewalk		6" Perf PE Pipe	.3,477 Lin Ft
B624 Concrete C&G	4,169 Lin Ft	6" – 8" DIP Watermain	2,482 Lin Ft

Plan, Specifications and Contract Documents may be examined at the following locations:

- 1. Department of Public Works, 201 4th St. SE, Room 108, Rochester, MN 55904.
- 2. F.W. Dodge Group, 7600 Parklawn Ave., Suite 352, Minneapolis, MN 55435.
- 3. Builders Exchange of Rochester, 3400 East River Road NE, Rochester, MN 55903 (507) 282-6531

Plan, Specifications and Contract Documents may be obtained from the Department of Public Works, 201 4th St. SE, Room108, Rochester, MN 55904, (507) 287-7800.

Each bid must be accompanied by a bid bond, cashier's check or a certified check payable to the City of Rochester, Minnesota, for at least five (5) percent of the amount of the bid, which amount shall be forfeited to the City of Rochester, Minnesota, as liquidated damages if the bidder, upon the letting of the contract to him shall fail to enter into the contract so let; the Common Council reserving the right to reject any and all bids.

A Performance and Payment Bond for the full amount of the contract by a surety company authorized to do business in the State of Minnesota will be required with the contract. (Personal bonds will not be accepted.)

All proposals must be addressed to the City Clerk, City of Rochester, 201 4th St. SE, Room135, Rochester, Minnesota 55904-3742 and shall have endorsed thereon:

SP 159-148-02

City Project No. (J-9716)

Construction of Rocky Creek Drive NE connecting ends of street

SP 159-141-01

City Project No. (J-9364)

Construction of Northern Valley Drive NE connecting ends of street

Dated at Rochester, Minnesota this 16th day of June 2003.

MEETING

ITEM NO.

DATE:

06/16/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM DESCRIPTION:

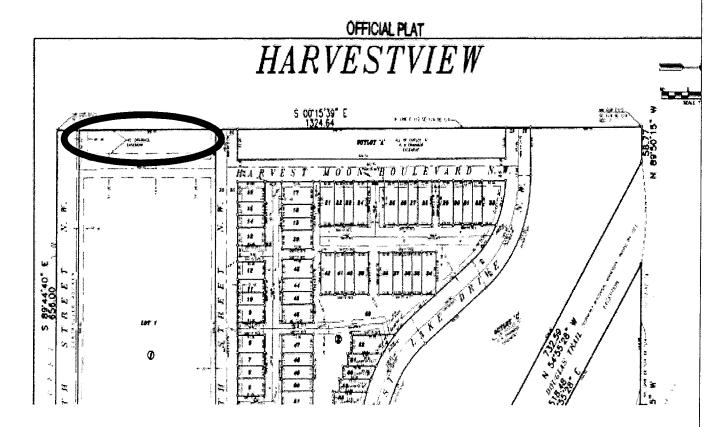
Real Estate - Land Rights Transfer from City to Joel Bigelow &

Sons for Harvestview

PREPARED BY:
M. Nigbur

Joel Bigelow & Sons has platted the development known as the Harvestview Subdivision. The plat included areas currently owned by the City (but provided from Bigelow) including the existing 50th and 55th Street right of way and the drainage corridor along the westerly side of the development. The Owner has requested the City quit claim its rights in the westerly 30 feet of Lot 1 Block 1 of Harvestview Subdivision. This development has undergone several design changes and it has been determined the City no longer needs the westerly 30 feet of Lot 1 Block 1 as fee ownership but rather the City only needs a drainage easement. During development of the property the easement area will be converted from an open channel to a storm sewer pipe.

Staff has reviewed this request and would recommend the City of Rochester quit claim it rights, in the westerly 30 feet of Lot 1 Block 1 Harvestview, except for the drainage easement as defined on the plat.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute a Quit Claim Deed to the Joel Bigelow & Sons for the westerly 30 feet of Lot 1 Block 1 Harvestview, except for a drainage easement as defined on the plat.

COUNCIL ACTION: Motion by:	Second by:	to:

MEETING

DATE:

6/16/03

AGENDA SECTION:	Consent Agenda	ORIGINATING DEPT: Public Works	ITEM NO. D-30
ITEM DESCRIPTION:	Development Agreement - Cent	ury Point First	PREPARED BY:

Century Point LLC is the Developer of undeveloped property in the City of Rochester that is being platted as Century Point First. The Owner and City Staff have had discussions relating to the development of the property and proposed improvements to the surrounding infrastructure. Based on the discussions, the content for a Development Agreement has been decided and a document has been created. The major items covered in the Agreement include the following:

- Storm Water Management
- Dedication of Right-Of-Way
- Transportation Improvements
- Construction of Public Infrastructure, including Pedestrian Facilities.
- Payment of Development Related Charges.

Staff recommends the Council approve the Development Agreement, which the Owner has executed.

Future Century Hills Dr.

Property

COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Development Agreement with Century Point LLC, for the Century Point First Property.

COUNCIL ACTION: Motion by:	Second by:	to:
	•	

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

6/16/03

AGENDA SECTION:	Consent Agenda	ORIGINATING DEPT: Public Works	ITEM NO. D-31
ITEM DESCRIPTION:	Development Agreement – Ma Subdivision & Residual Lands	nor Woods West Fourteenth	PREPARED BY: M. Baker

Forbrook-Bigelow Development LLC is the Developer of undeveloped real property in the City of Rochester that is being developed as Manor Woods West Fourteenth Subdivision and future phases of the Manor Woods West GDP. The Owner and City Staff have had discussions relating to the development of the property and proposed improvements to the surrounding infrastructure. Based on the discussions, the content for a Development Agreement has been decided and a document has been created. The major items covered in the Agreement include the following:

- Storm Water Management and Dedication of Public Storm Water Detention Facilities
- Maintenance & Ownership of Outlots
- Maintenance of Created Wetlands
- Construction of Public Infrastructure, including Pedestrian Facilities.
- · Payment of Development Related Charges.
- Site Access During Development

Staff recommends the Council approve the Development Agreement, which the Owner has executed.

| Staff recommends the Council approve the Development Agreement, which the Owner has executed.

COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Development Agreement with Forbrook-Bigelow Development LLC, for Manor Woods West Fourteenth & Residual Lands

COUNCIL ACTION: Motion by:	Second by:	_ to:
		P7500.

EETING

Action:

61

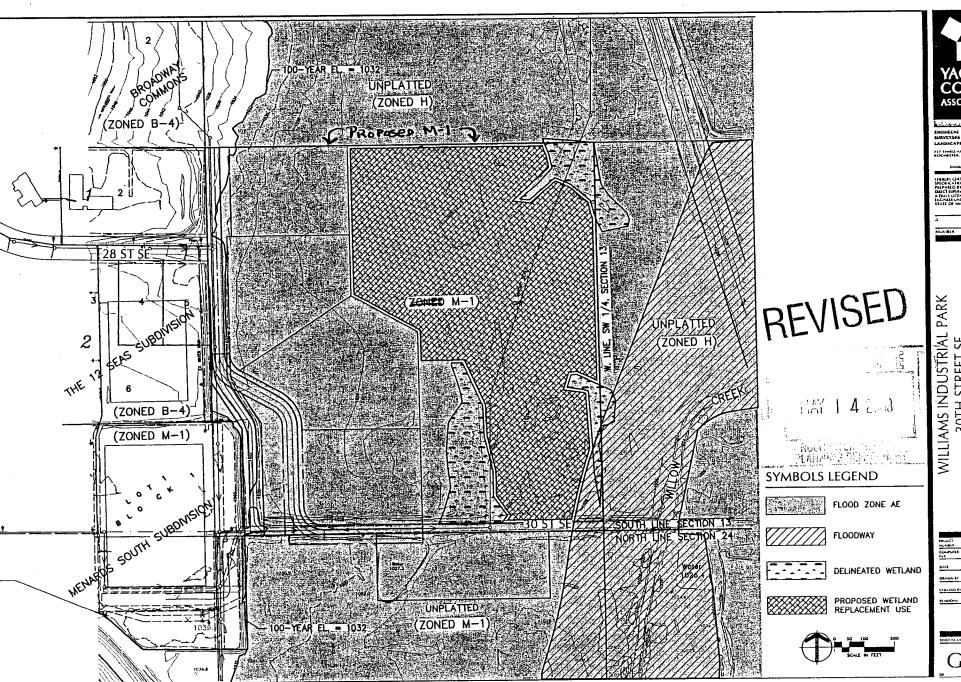
REQUEST FOR COUNCI	I ACTION	MEETING
REQUEST FOR COUNCI	LACTION	DATE: <u>6-16-03</u>
	ORIGINATING DEPT:	ITEM NO.
AGENDA SECTION:	PLANNING	<i>-</i> /
PUBLIC HEARINGS		F-1
	10 by the Williams Family	PREPARED BY:
ITEM DESCRIPTION: Zoning District Amendment #03- Partnership. The applicant is proposing to zone app	rovimately 38.70 acres of land M-1	Mitzi A. Baker,
(version of Commercial Industrial). The property is local	ed 692f Of the Shopko and	Senior Planner
Menards south stores and 28 th St. SE and north of Th	152. A General Development Plan	
is being considered concurrent with this application.		
is being conclusion comments.	<u> </u>	
June 10, 2003		
City Planning and Zoning Commission Recommendation	ı <u>:</u>	
The City Planning and Zoning Commission held a public hea	ring on May 28, 2003, to consider this	petition.
Mr. Burke moved to recommend approval of Zonir	ng District Amendment #05-10 by	e motion. The
Family Partnership with staff recommended finding	igs. Ms. Petersson Seconded th	c monom
motion carried 9-0.		
Planning Staff Recommendation:		
See attached staff report.		
Council Action Needed:		
		u Ozvezila daginian
The Council should direct the City Attorney to pr	repare findings of fact reflecting	the Councils decision
on this zone change.		
Of this zone onange.		
the second secon	ioned it should instruct the City	Attorney to prepare an
If the Council approves this zone change as petiti	ndings of fact and conclusions	of law to amend the
If the Council approves this zone change as petiti ordinance that can be adopted supported by fi	ndings of fact and conclusions	
Zoning for the property.		
Distribution:		
1. City Administrator		
2. City Attorney: Legal Description attached		
3. Planning Department File		
4. Yaggy Colby Associates	Too a To Monday lung 16 200	3 in the Council/Board
5 Applicant: This item will be considered sometime after	r 7:00 p.m. on Monday June 16, 200	0, 11 110 000110112011
Chambers at the Government Center, 151 4th Street SE	•	
		_
,		

Seconded By:

COUNCIL ACTION:

Motion By:







VERAL DEVELOPMENT PLAN







ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/ **PLANNING**

507/285-8232

507/285-8232 GIS/ADDRESSING/

MAPPING HOUSING/HRA

507/285-8224

BUILDING CODE WELL/SEPTIC

507/285-8213 507/285-8345

507/287-2275

RE:

TO:

FROM:

DATE:

Zoning District Amendment #03-10 by the Williams Family Partnership. The applicant is proposing to zone approximately 38.70 acres of land M-1 (Mixed Commercial-Industrial). The property is located east of the Shopko and Menards south stores and 28th St. SE and north of TH 52. A General Development Plan is being considered concurrent with this

application.

May 22, 2003

City Planning and Zoning Commission

Mitzi A. Baker, Senior Planner

Planning Department Review:

Petitioner:

Williams Family Partnership

41050 95th Street Blue Earth, MN 56013

Location of Property:

The property is located east of the Shopko and Menards

south stores and 28th St. SE and north of TH 52.

Requested Action:

The applicant is proposing to re-zone approximately 38.70 acres of land to M-1 (Mixed Commercial-Industrial). The General Development Plan (GDP) proposes realignment of 30th Street with four lots for development on the east side and one lot on the west for expansion of

Menards.

Existing Land Use:

The property is currently undeveloped and most is in the

100-year floodplain (Flood Prone District).

Adjacent Land Use and

Zoning:

Property to the west is developed with retail uses (Menards, Shopko). Property to the north and east is annexed and zoned H - Holding in the City. Property to the south is zoned M-1 (Mixed Commercial-Industrial) in the City. Surrounding properties to the north, east and south are all in the 100-year Floodplain/Flood Prone District, with property lying to the east also in the

Floodway.





Page 2 May 22, 2003

Transportation Access: Access to this site would be from 28th Street SE and 30th

St. SE, east of TH 63.

Wetlands: Delineated Wetlands are present on the property. The

narrative report submitted with this application and the GDP map identify an intent to construct replacement wetlands within the eastern ½ of the development.

Neighborhood Meeting: A neighborhood meeting was held on May 1, 2003. A

summary of the meeting is attached.

Referral Comments: 1. See comments attached to GDP 208

Report Attachments: 1. GDP Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Proposed M-1:

The property was zoned H-Holding upon annexation to the City because the Rochester Urban Service Area Land Use Plan designates this area as "industrial" and "flood prone". Proposed changes in the area include re-alignment of 30th Ave. and proposed development of this property, as identified on General Development Plan #208.

The Neighborhood Analysis for this area, as included in Chapter 4 of the Rochester Urban Service Area Land Use Plan, recognizes limitations of properties designated "flood prone". The Plan states, "If by reason of the implementation of flood control it is determined that flood fringe areas on downstream flooding is eliminated, the flood fringe areas designated "flood prone" on Map IV 34 would change in designation to hose uses shown on Map IV 35. Essentially, if flood control is implemented on this site, the "flood prone" designation is eliminated and the "commercial" and "industrial"

designations apply. Development in the M-1 district would be consistent with the Plan designation for this property, subject to applying flood control measures.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
 - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Proposed M-1:

The applicant is proposing to re-zone approximately 38.70 acres of land from the H-Holding zone to M-1 (Mixed Commercial-Industrial). The General Development Plan (GDP) proposes re-alignment of 30th Street with four lots for development on the east side and one lot on the west for expansion of Menards. Proposed land uses would be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Proposed M-1:

This amendment would not constitute spot zoning.

Staff Recommendation:

It appears that findings can be made to support approval of this zone change as petitioned.



Page 3

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.

- 3. Prior to issuance of a zoning certificate and construction of structures, construction plans for public infrastructure (i.e. watermain) must be approved by the City, additional easements must be provided for public utilities, and grading and drainage plans must be approved.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
- The applicant will need to obtain a Revocable Permit from the City, if the proposed pylon sign will be located in a drainage or utility easement.
- Mr. Staver asked if condition,#1 would be stricken.

Mr. Svenby replied that it would remain in the staff report until the applicant submits new plans. Then it would be removed before going to the City Council.

Mr. Quinn passed the gavel to Ms. Wiesner.

Zoning District Amendment #03-10 by the Williams Family Partnership. The applicant is proposing to zone approximately 38.70 acres of land M-1 (Mixed Commercial-Industrial). The property is located east of the Shopko and Menards south stores and 28th St. SE and is of TH 52. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #208 by the Williams Family Partnership, to be known as Williams Industrial Park. The applicant is proposing to develop approximately 38.70 acres with mixed commercial-industrial uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of the Shopko and Menards south stores and 28th St. SE, and is north of TH 52.

Mr. Brent Svenby presented the staff reports, dated May 22, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Mr. Dale Allen, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that, at the time of final platting, the road on the east side of Menards would be reconstructed as it is presently. The same section would have curb and gutter until the property is developed on the east side.

Ms. Wiesner asked, if the wording would be left as it is presently stated, then would he and Mr. Nigbur of City of Rochester Public Works, work out the final details in the development agreement.

Mr. Allen replied yes; it would be appropriate.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to approve Zoning District Amendment #03-10 by the Williams Family

Page 4

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

Partnership, with staff-recommended findings. Ms. Petersson seconded the motion. The motion carried 9-0.

Mr. Burke moved to approve General Development Plan #208 by the Williams Family Partnership, with the staff-recommended findings and conditions. Ms. Peterson seconded the motion.

CONDITIONS:

- 1. This property shall be platted prior to development. Prior to Final Plat application, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure including future off-site transportation improvements in proportion to the share of traffic contributed from this development.
- 2. Stormwater Management must be provided for this property. Any stormwater storage loss must be mitigated.
- 3. The proposed centerline radius of the 28th St./30th Ave. SE re-alignment shall be revised to accommodate a 250 foot centerline radius. This modification must be incorporated on a future Plat application.
- 4. Pedestrian facilities are required along the entire frontage of this property abutting a public road.
- 5. Utilities and infrastructure must be extended to adjacent properties.

Mr. Staver stated that he was uncomfortable with the traffic impact. There is already a degraded level of service at the intersection of 28th Street and Broadway. They could exceed the stacking capacity and the vehicles would be in the lanes of traffic, which would hinder traffic flow.

Ms. Rivas stated that the wetland replacement plan could be amended to another area that is agricultural and non-wooded.

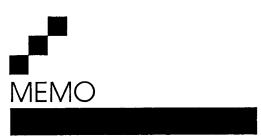
The motion carried 7-2, with Ms. Rivas and Mr. Staver voting nay.

Type III, Phase II Conditional Use Permit #03-12 by Southern Woods Development LLC to allow for the placement of fill in the flood prone district. The proposal is to grade and place fill within the flood prone district. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 48th Street SW, west of TH 63 and east of 11th Avenue SW.

Mr. Svenby stated that the applicant requested that the item be continued to June 11, 2003.

Mr. Burke moved to continue Conditional Use Permit #03-12 by Southern Woods Development LLC, to the June 11, 2003 meeting. Ms. Petersson seconded the motion.



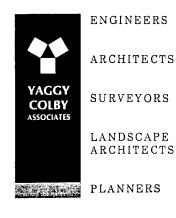


TO Mitzi Baker, Rochester-Olmsted

FROM Dale Allen

May 12, 2003

SUBJECT Williams Neighborhood Meeting



A neighborhood meeting was held on May 1,2003 at Yaggy Colby Associates office for the pending application of rezoning the Williams Family Partnership land to Commercial/Industrial (M-1). The property contains 38.7 acres located in the SW ¼ of section 13, Marion Township. The purpose of the meeting was to inform neighboring property owners of the intended zone change and use of the property.

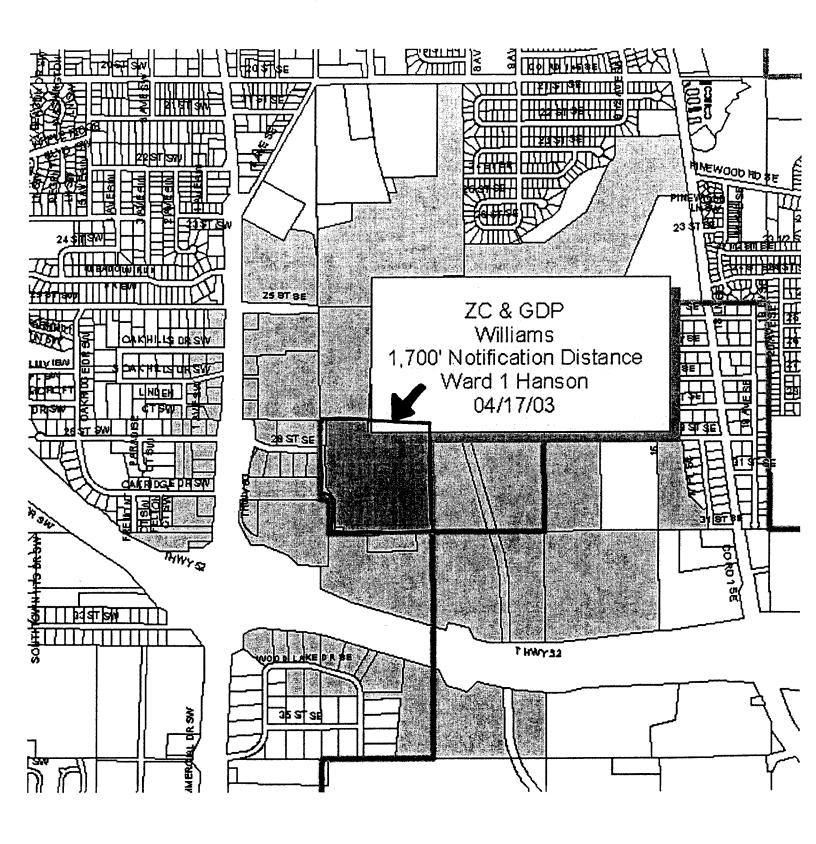
In attendance were: Brian Theil- 1217 3rd Ave SE Representing Seneca Foods Peter Schuller- 209 Woodlake Drive SE Virginia Knutson- 2507 South Broadway

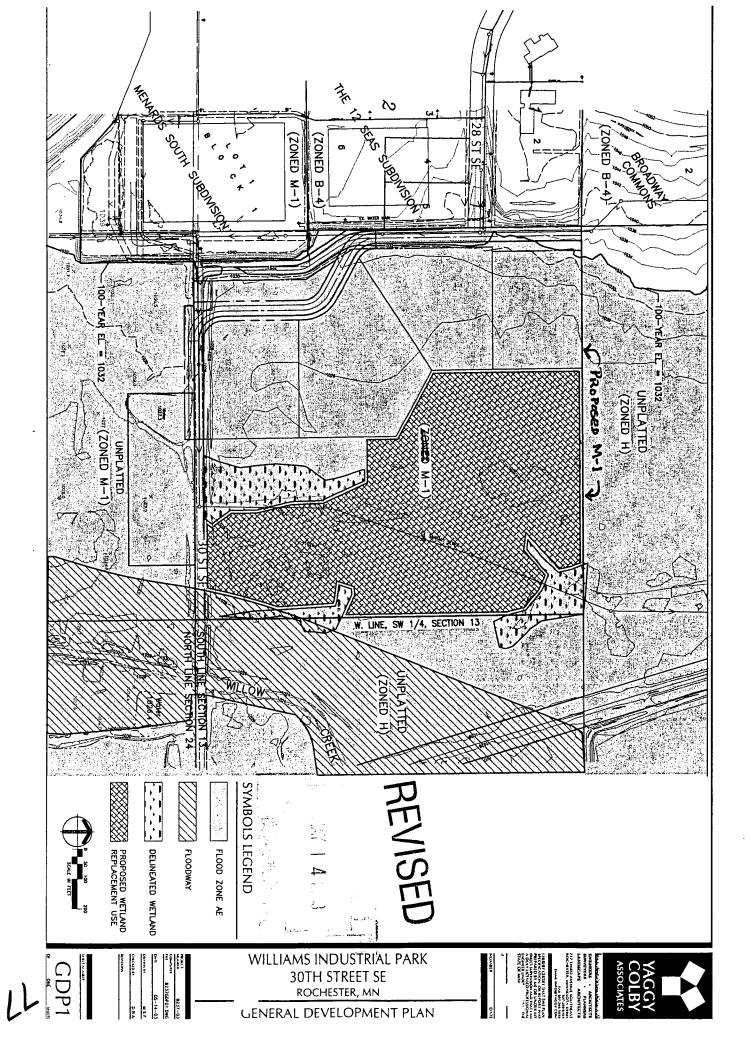
Drawings showing the zone change boundary and the proposed general development plan (GDP) for the property were displayed at the meeting. Yaggy Colby Associates staff were available to answer question concerning the proposed development of the property. Generally, all comments regarding the proposal were positive. Virginia Knutson expressed gratitude for the information. Mr. Theil and Mr. Schuller were mainly interested in what was being proposed.

REQUEST FOR COUNCIL ACTION

MEETING

		DATE: <u>6-16-03</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-2
ITEM DESCRIPTION: General Development Plan #208 by the known as Williams Industrial Park. The applicant is proposing with mixed commercial-industrial uses. A Zoning District American concurrent with this application. The property is located east stores and 28 th St. SE, and is north of TH 52.	to develop approximately 38.70 acres endment is being considered	PREPARED BY: Mitzi A. Baker, Senior Planner
June 10, 2003		
City Planning and Zoning Commission Recommendation: The Planning and Zoning Commission held a public hearing on this	s item on May 28, 2003.	
Mr. Burke moved to recommend approval of General Develor staff-recommended findings and conditions. Ms. Peterson set 7-2. The commission recommended the following conditions	econded the motion. The motion carrie	
1. This property shall be platted prior to developme execute a Development Agreement with the City not limited to, stormwater management, right-of-control, pedestrian facilities, extension of utilities future off-site transportation improvements in prodevelopment.	that outlines the obligations of the a way dedication, transportation impro s, and contributions for public infras	pplicant relating to, but ovements, access structure including
Stormwater Management must be provided for the mitigated.	is property. Any stormwater storage	e loss must be
3. The proposed centerline radius of the 28 th St./30 th 250 foot centerline radius. This modification mus		
4. Pedestrian facilities are required along the entire	frontage of this property abutting a	public road.
5. Utilities and infrastructure must be extended to a	djacent properties.	
Council Action Needed:		
1. If the Council wishes to approve the General to prepare a resolution, with findings, for Council		ruct the City Attorney
To propare a recolation, with imalingo, for econic		
Distribution:		
1. City Administrator		
City Attorney Planning Department File		
4. Yaggy Colby Associates		
 Applicant: This item will be considered some time after 7:00 p Government Center at 151 4th Street SE. 	.m. on Monday June 16, 2003 in the Coun	cil / Board Chambers in the
COUNCIL ACTION: Motion by: S	econd by: to:	









ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/

507/285-8232

GIS/ADDRESSING/

507/285-8232

MAPPING

HOUSING/HRA

507/285-8224

BUILDING CODE

507/285-8213

WELL/SEPTIC

507/285-8345

FAX

507/287-2275

DATE:

TO:

May 22, 2003

FROM: Mitzi A. Baker, Senior Planner

RE:

General Development Plan #208 by the Williams Family Partnership, to be known as Williams Industrial Park. The

applicant is proposing to develop approximately 38.70 acres with mixed commercial-industrial uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of the Shopko and Menards south stores and 28th

St. SE, and is north of TH 52.

Planning Department Review:

Petitioner:

Williams Family Partnership

41050 95th Street Blue Earth, MN 56013

City Planning and Zoning Commission

Consultant:

Yaggy Colby Associates

717 Third Ave. SE Rochester, MN 55904

Location of Property:

The property is located east of the Shopko and Menards south stores

and 28th St. SE and north of TH 52.

Proposed Use:

The applicant is proposing to re-zone approximately 38.70 acres of

land to M-1 (Mixed Commercial-Industrial). The General

Development Plan (GDP) proposes re-alignment of 30th Street with four lots for development on the east side and one lot on the west for

expansion of Menards.

Land Use Plan:

The Rochester Urban Service Area Land Use Plan designates this property as "flood prone", and also as "industrial" and "commercial". The Neighborhood Analysis for this area, as included in Chapter 4 of the Rochester Urban Service Area Land Use Plan, recognizes limitations of properties designated "flood prone". The Plan states,



Page 2 General Development Plan May 22, 2003

"If by reason of the implementation of flood control it is determined that flood fringe areas on downstream flooding is eliminated, the flood fringe areas designated "flood prone" on Map IV 34 would change in designation to hose uses shown on Map IV 35. Essentially, if flood control is implemented on this site, the "flood prone" designation is eliminated and the "commercial" and "industrial" designations apply. Development in the M-1 district would be consistent with the Plan designation for this property, subject to applying flood control measures.

Zoning:

The property is currently zoned H-Holding, the applicant is proposing to re-zone this property to M-1 (Mixed Commercial-Industrial).

Sidewalks:

Pedestrian facilities will be required along the entire frontage of the property abutting a public road.

Drainage:

The GDP report suggests there may be on-site detention within the east ½ of the site.

Approved detailed grading and drainage plans will be required when the property is platted or developed.

Transportation Access:

Access to this site would be from 28th Street SE and 30th St. SE, east of TH 63. No new public roadways are being proposed with this GDP.

Wetlands:

Delineated Wetlands are present on the property. The narrative report submitted with this application and the GDP map identify an intent to construct replacement wetlands within the eastern $\frac{1}{2}$ of the development.

The property is currently undeveloped and most is in the 100-year floodplain/Flood Prone District.

Referral Comments:

- 1. Charles Reiter, Planning Department Transportation Division
- 2. Rochester Public Works
- 3. Planning Department Wetlands LGU
- 4. Rochester Fire Department
- 5. RPU Water
- 6. Planning Department GIS Addressing Staff

Report Attachments:

- 1. Copy of General Development Plan
- 2. Proposed General Development Plan Narrative
- 3. Referral Comments

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became affective May 15, 1999.



Page 3 General Development Plan May 22, 2003

Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

The property was zoned H-Holding upon annexation to the City because the Rochester Urban Service Area Land Use Plan designates this area as "industrial" and "flood prone". A Zoning District Amendment is being considered concurrent with this General Development Plan application, to zone the property M-1 (Mixed Commercial-Industrial).

The Neighborhood Analysis for this area, as included in Chapter 4 of the Rochester Urban Service Area Land Use Plan, recognizes limitations of properties designated "flood prone". The Plan states, "If by reason of the implementation of flood control it is determined that flood fringe areas on downstream flooding is eliminated, the flood fringe areas designated "flood prone" on Map IV 34 would change in designation to hose uses shown on Map IV 35. Essentially, if flood control is implemented on this site, the "flood prone" designation is eliminated and the "commercial" and "industrial" designations apply. Development in the M-1 district would be consistent with the Plan designation for this property, subject to applying flood control measures.

Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The General Development Plan (GDP) proposes re-alignment of 30th Street with four lots for development on the east side and one lot on the west for expansion of Menards. Proposed land uses would be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

This proposal is for mixed commercial-industrial uses and does not include a residential component.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

The attached Review of Traffic Impact Analysis from Charles Reiter dated May 19, 2003 is incorporated herein.

- The proposed development will generate additional traffic on 28th St that will impact the intersection of South Broadway and the East Frontage Road along 28th St.
- While the impact of the development traffic itself is minor, the combined impact of additional development traffic on 28th St along with expected

Page 4 General Development Plan May 22, 2003

traffic growth on South Broadway will in all likelihood lead to significant congestion and queuing problems at the intersection of South Broadway and 28th St

- To address this increase in congestion, options in addition to the donothing alternative may include construction of additional lanes or installation of an interconnected signal system to manage the traffic flow at both affected intersections
- To the extent that the Williams property will contribute traffic to this intersection, there is justification for a contribution on the part of the developer towards the cost of future improvements at the intersection, in proportion to the share traffic contributed to the intersection. Language should be considered for inclusion in the development agreement addressing the proportionate share contribution to future improvements.
- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
 - Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

The attached Review of Traffic Impact Analysis from Charles Reiter dated May 19, 2003 is incorporated herein.

- The proposed development will generate additional traffic on 28th St that will impact the intersection of South Broadway and the East Frontage Road along 28th St.
- While the impact of the development traffic itself is minor, the combined impact of additional development traffic on 28th St along with expected traffic growth on South Broadway will in all likelihood lead to significant congestion and queuing problems at the intersection of South Broadway and 28th St
- To address this increase in congestion, options in addition to the do-nothing alternative may include construction of additional lanes or installation of an interconnected signal system to manage the traffic flow at both affected intersections
- To the extent that the Williams property will contribute traffic to this intersection, there is justification for a contribution on the part of the developer towards the cost of future improvements at the intersection, in proportion to the share traffic contributed to the intersection. Language should be considered for inclusion in the development agreement addressing the proportionate share contribution to future improvements.
- 2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities



Page 5 General Development Plan May 22, 2003

to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Dedication of a 50 wide public utility easement will be required for maintenance and future replacement of the existing trunkline sanitary sewer. Additional easements may be needed to accommodate other utilities/utility extension.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

No additional comments.

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

The GDP report suggests there may be on-site detention within the east ½ of the site. Fill and development of the property will require Conditional Use Permits since the property is in the Flood Prone district. Loss of flood storage capacity will need to be compensated for on-site. Additionally, stormwater management must be provided for this development.

Approved detailed grading and drainage plans will be required when the property is platted or developed.

Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The applicant is proposing to re-zone approximately 38.70 acres of land to M-1 (Mixed Commercial-Industrial). The General Development Plan (GDP) proposes re-alignment of 30th Street with four lots for development on the east side and one lot on the west, for expansion of Menards. Proposed land uses would be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

Summary & Recommendation:

At this time, a petition to re-zone this property to the M-1 District is being considered. If the Zone Change is approved, staff would suggest approval of this GDP subject to the following conditions or modifications:

- 1. This property shall be platted prior to development. Prior to Final Plat application, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure including future off-site transportation improvements in proportion to the share of traffic contributed from this development.
- 2. Stormwater Management must be provided for this property. Any stormwater storage loss must be mitigated.
- 3. The proposed centerline radius of the 28th St./30th Ave. SE re-alignment shall be revised to accommodate a 250 foot centerline radius. This modification must be incorporated on a future Plat application.
- 4. Pedestrian facilities are required along the entire frontage of this property abutting a public road.
- 5. Utilities and infrastructure must be extended to adjacent properties.

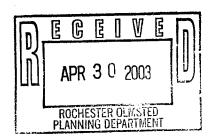
NOTE: Conditional Use Permits will be required for fill/development in the Flood Prone District prior to development. Loss of flood storage capacity will need to be mitigated.



SUPPLEMENTAL INFORMATION FOR WILLIAMS INDUSTRIAL PARK GENERAL DEVELOPMENT APPLICATION.

A summary of information requested in Appendix B Para. E) 3 of the City of Rochester Land Development Manual is provide below:

- a) The Olmsted County Soils Survey indicates soils across the site are Littleton Silt Loam (477A). The surface soils are black to dark brown silt loam to a depth of about 28 inches. These soils are typically wet and poorly drained. The seasonal high water table is at a depth of 1 to 3 feet. Site grading will be required to construct building pads above the 100-year flood plain at elevation 1032.0. A application for a conditional use permit will be made to fill in the flood prone areas. Excavation will be made on the property to the east of the proposed commercial/industrial lots to create storage lost as result of filling in the flood prone areas. The intent will be to create stormwater detention and wetlands on the balance of the property.
- b) Storm drainage will flow easterly to a detention pond and then to the constructed wetlands.
- c) None
- d) Existing sanitary sewer and watermain are located in the Street bordering the west property line.
- e) No erosion problems are anticipated due to the very flat lay of the land.
- f) 30th Street SE will be reconstructed to accommodate the Menards expansion in 2003. The grading of the industrial lots may not occur until a sale of the wetlands or sale of the commercial land is made.





MEMORANDUM

TO: City Planning & Zoning Commission

FROM: Charles Reiter

Senior Transportation Planner

DATE; July 2, 2002

RE: Review of Traffic Impact Analysis for Williams Industrial Park

Summary of Background Information:

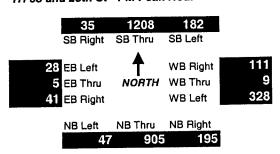
 The proposed development includes four developable lots proposed for Mixed Industrial / Commercial Zoning located east of Shopko South and Menards South. There is approximately 12.9 acres of land included in the four lots

 The proposal was analyzed for traffic purposes as an industrial park with a nominal Floor Area Ratio (FAR) of 0.175. At this FAR there would be approximately 100,000 square feet of non-storage floor area in the development.

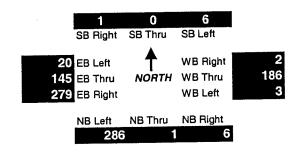
• The PM Peak Hour trip generation for the four lots as an Industrial Park is estimated to be 91 trips, with 72 outbound trips and 19 inbound trips in the PM peak hour

• Existing traffic at the intersection of TH 63 and 28th St and at 28th St and East Frontage Rd is illustrated in the following graphics:

TH 63 and 28th St - PM Peak Hour



28th St and East Frontage Rd - PM Peak Hour



Recorded average daily traffic volumes on South Broadway on 2002 were 23,300. The
projected 20 Year rate of traffic growth is approximately 3.2% per year on TH 63,
resulting in a projected 2025 volume of approximately 46,000 vehicles per day.

Review of the Key Traffic Issues

- The following traffic issues were analyzed as part of this analysis:
 - o Level of Service (LOS)¹ at the intersection of 28th St with South Broadway and at the East Frontage Road with development and background traffic growth
 - o The impact of the proposed development traffic on westbound queues along 28th St between the intersection of South Broadway and the East Frontage Road
- The development was found to have only minor impact on the Level of Service at the East Frontage Road and 28th St. Current LOS for this intersection is B with an average

¹ See Attachment 1 for a description of Level of Service



delay of 13.6 seconds per vehicle; with development the LOS will remain a B with average delay of 14.3 seconds per vehicle. This meets the standards of the Land Development Manual

• The development was found to be a minor contributor to what is likely to be a continued degradation in Level of Service at the intersection of South Broadway and 28th St. The intersection currently operates at LOS D, with an average delay of 41 seconds per vehicle. The target established in the Land Development for major street intersections is for Level of Service to be at or near the boundary between LOS C and D, which is an average of 35 seconds of delay per vehicle.

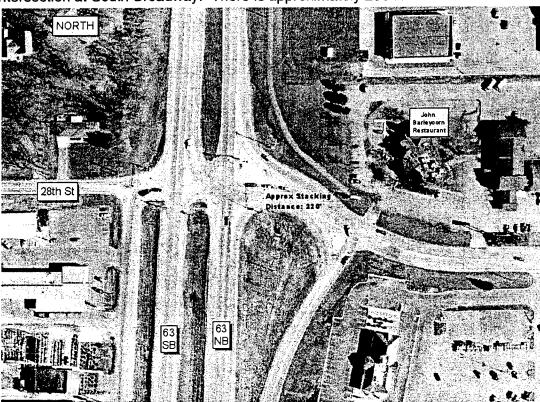
Where an intersection is already below the LOS standard, development traffic cannot cause the level of service to degrade to the next lower level. In this case, the addition of the development traffic by itself will cause only a minor increase in delay per vehicle, to an average of 43 seconds per vehicle.

The bigger impact to intersection operation will be created by the growth in through traffic on South Broadway. With no changes in the number of through lanes or signal timing the level of service is expected to drop to LOS F over time. Over the course of a 8-12 year time period I would expect that the Level of Service could be maintained at an acceptable level through changes in the signal timing at the intersection. Over the longer term, if a projected 2025 volume of 46,000 vehicles per day is realized, there will be a need to consider expanding the corridor to accommodate 6 lanes for through traffic in the future.

 Of more immediate concern along 28th St is the impact of both additional development traffic and through traffic growth on TH 63 to the stacking of vehicles on the westbound approach to the intersection at South Broadway. There is approximately 200 feet of

stacking space currently, enough for approximately 8 vehicles.

The traffic analysis identified the average length of the westbound left turn queue currently to be 7.4 vehicles. The addition of traffic from the Williams will cause this average queue to lengthen to 9.3 vehicles, or slightly greater





than the available storage space. The worst case queue, known as the 95th percentile queue (which effectively means a queue than can be expected about once during the peak hour) is currently 13.6 vehicles and would lengthen to 16.3 vehicles with the development. The presence of queues that are greater than the available stacking space result in vehicles queuing beyond the four-way stop at the intersection of 28th St and the East Frontage Road, either east on 28th St or south on the Frontage Road, until the signal on South Broadway releases the westbound traffic flow.

I would expect that as the north-south traffic on South Broadway continues to grow the queuing problems will become more pronounced and noticeable as more time in the signal cycle needs to be devoted to moving the north-south traffic on Broadway. Depending on how motorist's tolerate the delay at the East Frontage Road and 28th St intersection, there may or may not be changes needed at this intersection. My sense would be that as queues grow longer at both intersections, alternative solutions may need to be evaluated. This could involve geometric changes, such as constructing additional lanes on 28th St, or a move to a signalization system similar to that found at Hy-Vee South on 12th St SW, where there are two signals integrally linked, one on the main highway which is interconnected with the signal providing local street access.

Summary

- The proposed development will generate additional traffic on 28th St that will impact the intersection of South Broadway and the East Frontage Road along 28th St.
- While the impact of the development traffic itself is minor, the combined impact of additional development traffic on 28th St along with expected traffic growth on South Broadway will in all likelihood lead to significant congestion and queuing problems at the intersection of South Broadway and 28th St
- To address this increase in congestion, options in addition to the do-nothing alternative may include construction of additional lanes or installation of an interconnected signal system to manage the traffic flow at both affected intersections
- To the extent that the Williams property will contribute traffic to this intersection, there is justification for a contribution on the part of the developer towards the cost of future improvements at the intersection, in proportion to the share traffic contributed to the intersection. Language should be considered for inclusion in the development agreement addressing the proportionate share contribution to future improvements.



LEVEL OF SERVICE DESCRIPTION

ATTACHMENT 1 PAGE 1

SIGNALIZED INTERSECTION		_	אט	SIGNALIZED INTERSECTION
QUALITATIVE DESCRIPTION	AVERAGE STOPPED DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE DESIGNATION	RESERVE CAPACITY (PCPH)	
 Good progression with condition of free flow accompanied by low volumes and high speeds. Major movements have low percentage of stops. Waiting vehicles will clear on one green phase. 	< 5.1	A	> 400	Little or no delay
 Good progression with traffic moving fairly free, but operating speeds are beginning to be restricted somewhat by traffic. More vehicle stops will be required than L.O.SA. Waiting vehicles still will probably clear on one green phase. 	5.1 - 15.0	В	300 - 399	Short traffic delays
 Fair progression with traffic moving smoothly. The number of vehicles stopping is significant at this level, although many still pass through without stopping. Individual cycle failures (waiting for more than one green) may begin to appear. 	15.1 - 25.0	С	200 - 299	Average traffic delays
 Acceptable intersection operation during peak hours. Congestion becomes noticeable, and traffic is approaching unstable flow with high V/C ratios. Drivers have little freedom to maneuver. Many vehicles stop and proportion of vehicles not stopping declines. Individual cycle failures are noticeable. 	25.1 - 40.0	D	100 - 199	Long traffic delays
Poor progression, high volumes, long queues. At or beyond limit of acceptable delay. Volumes are at, or near, capacity. Individual cycle failures are frequent.	40.1 - 60.0	E	0 - 99	Very long traffic delays
Forced flow operation at low speeds where volumes are over capacity. Unacceptable to drivers with all vehicles stopping. Cycle failures are maximized.	> 60.0	F	c	Volumes exceed capacity of each lane. Extreme delays with queuing causes congestion affecting all movements in the ntersection
/C = Volume to Capacity .		·		(1) (1) (1) (2) (2) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4

ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/22/03

The Department of Public Works has reviewed the application for <u>General Development Plan</u> #208, for the proposed <u>Williams Industrial Park</u> development. The following are Public Works comments on the revised plan dated 5/14/03. No comments were previously sent by Public Works on the original GDP plan submittal:

- 1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure.
- 2. The proposed centerline radius of the 28th St SE realignment does not meet the radius previously discussed with the applicant's consulting engineer (Yaggy Colby). The GDP plan should be revised to accommodate a 250 ft centerline radius.
- 3. Dedication of a 50 foot wide public utility easement is required for maintenance and future replacement of the existing trunkline sanitary sewer. The easement area shall not contain wetlands that would need to be mitigated by the City to perform utility work within the required easement area.
- 4. Grading & Drainage Plan approval is required prior to development of this Property. Any stormwater storage loss must be mitigated.
- 5. Pedestrian facilities will be required along the entire frontage of the Property abutting a public road.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- Sanitary Sewer Connection Charge @ \$45.07 per foot of frontage.
- ❖ Watermain Connection Charge @ \$40.19 per foot of frontage.
- * Transportation Improvement District (TID) TBD
- Storm Water Management TBD



WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Zoning district amendment #03-10 and GDP #208 by the Williams Family Partnership

	·
	No hydric soils exist on the site based on the Soil Survey
	Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
	A wetland delineation has been carried out for the property and is on file with the Planning Department.
	A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
	A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
	No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
\boxtimes	Other or Explanation:
	The MNDOT has completed a wetland delineation for this property. Wetlands are present on the property. The property owner will be responsible for obtaining the necessary wetland permit.



DATE: May 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ:

General Development Plan 208 by Williams Family Partnership, to be known as Williams Industrial Park. The applicant is proposing to develop approximately 38.70 acres with

mixed commercial-industrial uses.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Willimas Family Partnership – 41050 95th Street – Blue Earth, MN 56013
Yaggy Colby Associates – 717 Third Ave SE – Rochester, MN 55904





May 9, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Type III, Phase III, General Development Plan #208 by the Williams Family Partnership to be known as Williams Industrial Park.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

- 1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
- 2. This property is within the Main Level Water System Area, which is available along the west side of this property.
- 3. Static water pressures within this area will range from the upper 50's to mid 60's PSI.
- 4. The water mains must be extended to adjacent properties per our requirements.
- 5. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Williams Family Partnership
Yaggy Colby Associates





Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

GENERAL DEVELOPMENT PLAN

REFERRAL RESPONSE

DATE:

May 10, 2003

TO:

Mitzi Baker

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Jennifer Garness

RE:

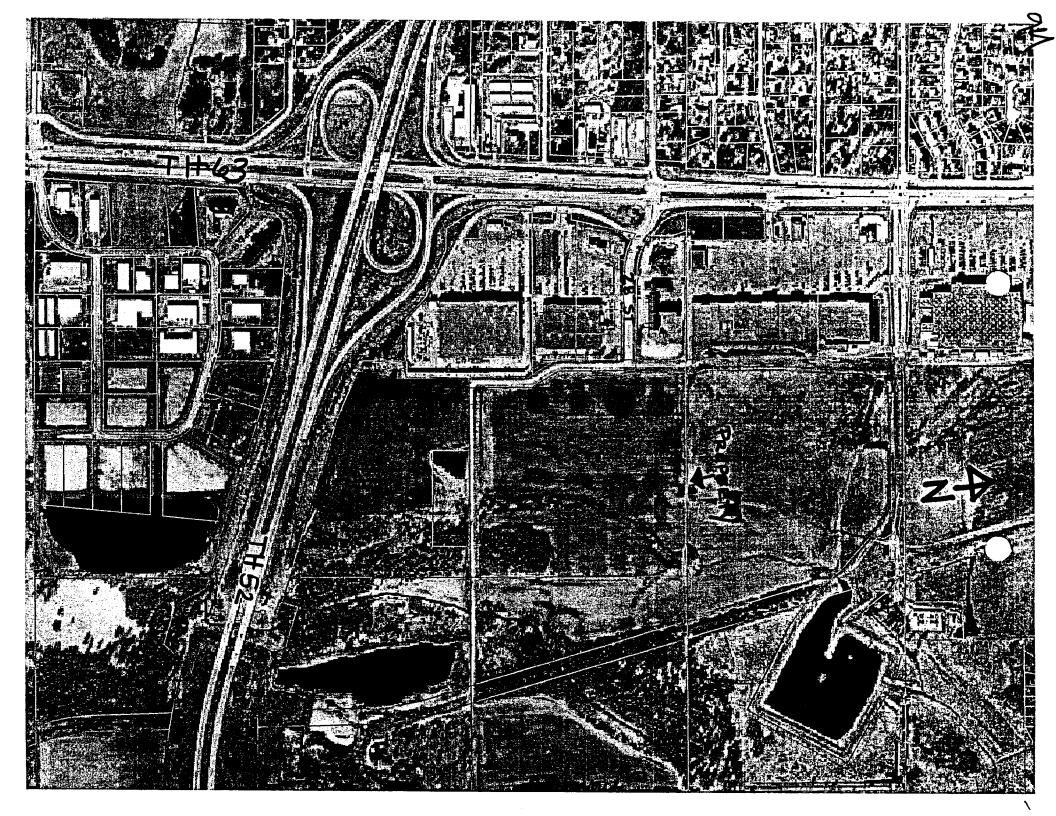
WILLIAMS INDUSTRIAL PARK

GENERAL DEVELOPMENT PLAN # 208

A review of the GDP has turned up the following ROADWAY or ADDRESS related issues:

1. The roadway with a north / south alignment will need to be given a designation.

RECOMMENDATION: Designation for the roadway connecting 28 Street SE and 30 Street SE should be 3 AVENUE SE.



City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

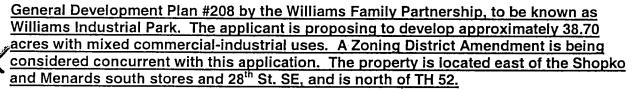


in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.

- 3. Prior to issuance of a zoning certificate and construction of structures, construction plans for public infrastructure (i.e. watermain) must be approved by the City, additional easements must be provided for public utilities, and grading and drainage plans must be approved.
- Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
- The applicant will need to obtain a Revocable Permit from the City, if the proposed pylon sign will be located in a drainage or utility easement.
- Mr. Staver asked if condition #1 would be stricken.
- Mr. Svenby replied that it would remain in the staff report until the applicant submits new plans. Then it would be removed before going to the City Council.
- Mr. Quinn passed the gavel to Ms. Wiesner.

Zoning District Amendment #03-10 by the Williams Family Partnership. The applicant is proposing to zone approximately 38.70 acres of land M-1 (Mixed Commercial-Industrial). The property is located east of the Shopko and Menards south stores and 28th St. SE and is of TH 52. A General Development Plan is being considered concurrent with this application.

AND



Mr. Brent Svenby presented the staff reports, dated May 22, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Mr. Dale Allen, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that, at the time of final platting, the road on the east side of Menards would be reconstructed as it is presently. The same section would have curb and gutter until the property is developed on the east side.

Ms. Wiesner asked, if the wording would be left as it is presently stated, then would he and Mr. Nigbur of City of Rochester Public Works, work out the final details in the development agreement.

Mr. Allen replied yes; it would be appropriate.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to approve Zoning District Amendment #03-10 by the Williams Family



Page 4

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

Partnership, with staff-recommended findings. Ms. Petersson seconded the motion. The motion carried 9-0.

Mr. Burke moved to approve General Development Plan #208 by the Williams Family Partnership, with the staff-recommended findings and conditions. Ms. Peterson seconded the motion.

CONDITIONS:

- 1. This property shall be platted prior to development. Prior to Final Plat application, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure including future off-site transportation improvements in proportion to the share of traffic contributed from this development.
- Stormwater Management must be provided for this property. Any stormwater storage loss must be mitigated.
- 3. The proposed centerline radius of the 28th St./30th Ave. SE re-alignment shall be revised to accommodate a 250 foot centerline radius. This modification must be incorporated on a future Plat application.
- 4. Pedestrian facilities are required along the entire frontage of this property abutting a public road.
- 5. Utilities and infrastructure must be extended to adjacent properties.

Mr. Staver stated that he was uncomfortable with the traffic impact. There is already a degraded level of service at the intersection of 28th Street and Broadway. They could exceed the stacking capacity and the vehicles would be in the lanes of traffic, which would hinder traffic flow.

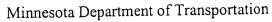
Ms. Rivas stated that the wetland replacement plan could be amended to another area that is agricultural and non-wooded.

The motion carried 7-2, with Ms. Rivas and Mr. Staver voting nay.

Type III, Phase II Conditional Use Permit #03-12 by Southern Woods Development LLC to allow for the placement of fill in the flood prone district. The proposal is to grade and place fill within the flood prone district. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 48th Street SW, west of TH 63 and east of 11th Avenue SW.

Mr. Svenby stated that the applicant requested that the item be continued to June 11, 2003.

Mr. Burke moved to continue Conditional Use Permit #03-12 by Southern Woods
Development LLC, to the June 11, 2003 meeting. Ms. Petersson seconded the motion.





Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W.

E-mail: dale.maul@dot.state.mn.us

Office Tel: 507-280-2913

Fax: 507-285-7355

May 27, 2003

Rochester, MN 55901-5848

Jennifer Garness Rochester-Olmsted Planning Department 2122 Campus Drive SE - Suite 100 Rochester, MN 55904

Type III, Phase III Conditional Use Permit #03-26 by Williams Family Re: Partnership and Mark & Bernard Leitzen to allow for the placement of fill in the floodprone area and excavation in the floodway. The property is located east of the Shopko and Menards south stores and 28th St. SE, and is north of US Highway 52.

Revised General Development Plan #208 by the Williams Family Partnership, to be known as Williams Industrial Park.

Dear Ms. Garness:

The Conditional Use Permit #03-26 by Williams Family Partnership and Mark & Bernard Leitzen is acceptable with the Minnesota Department of Transportation (Mn/DOT) providing all excavations, drainage and ponding is maintained within the property and not in Mn/DOT's right-of-way.

The General Development Plan #208 by the Williams Family Partnership to be known as Williams Industrial Park is also acceptable with Mn/DOT.

Please contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 with any questions you may have.

Sincerely, ale & Mark

Dale E. Maul

Planning Director



MEETING DATE 6-16-03

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Final Site Plan for Waterworks Car Wash in the SD-1, Arboretum Special District north of 41st St. NW and west of 31st Ave. NW.		PREPARED BY: Mitzi A. Baker, Senior Planner

June 9, 2003

REVISED

The applicant submitted a revised site/landscaping plan and revised building elevations on June 2, 2003. In response to the additional information submitted and provided at the Planning Commission meeting, staff recommends modifications to the conditions recommended by the Planning Commission. Staff recommended modifications are identified as strikethrough and underlined text.

The Rochester Planning and Zoning Commission considered this application at a public hearing on May 28, 2003. The Commission recommends approval of the Final Site Plan, subject to the following conditions/modifications:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. Prior to issuance of a zoning certificate and construction of structures, construction plans for public infrastructure (i.e. watermain) must be approved by the City, additional easements must be provided for public utilities, and grading and drainage plans must be approved.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
- 5. The applicant will need to obtain a Revocable Permit from the City, if the proposed pylon sign will be located in a drainage or utility easement.

The motion carried 8-0.

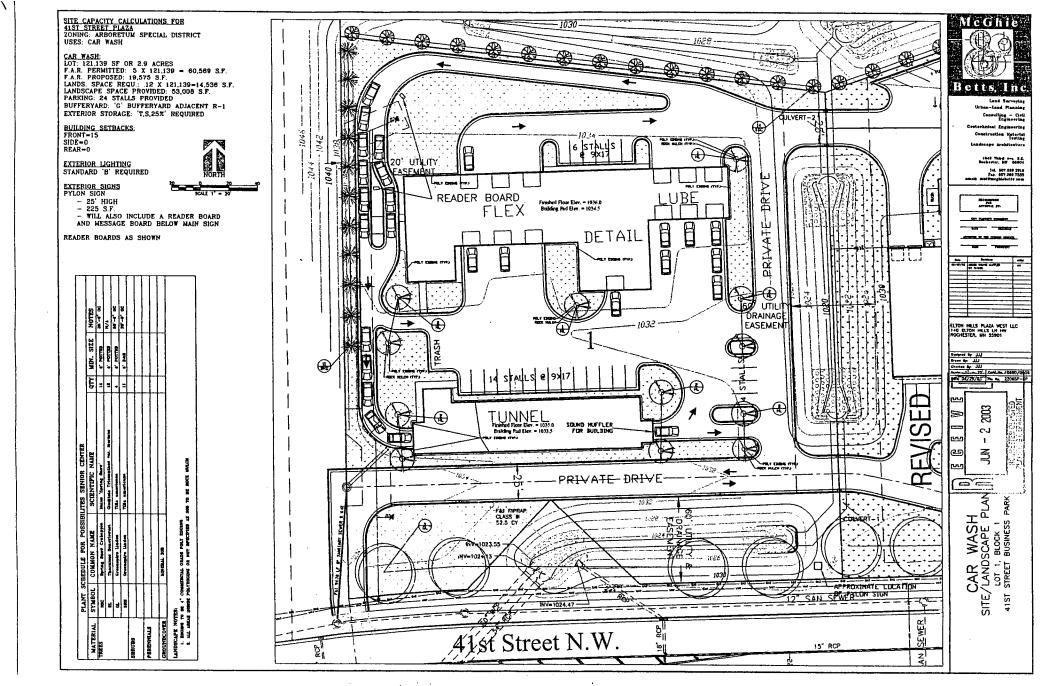
Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution approving the proposed Final Site Plan.

Distribution:

- 1. City Clerk
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday June 16, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	_ Second by:	_ to:









ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/ PLANNING 507/285-8232

GIS/ADDRESSING/

507/285-8232

MAPPING

HOUSING/HRA

507/285-8224 507/285-8213

BUILDING CODE WELL/SEPTIC

507/285-8345

FAX

507/287-2275

DATE: May 22, 2003

FROM: Mitzi A. Baker, Senior Planner

RE: Type III, Phase II Special District Amendment Final Site

City Planning and Zoning Commission

Development Plan #03-03 by Elton Hills Plaza West LLC to allow the construction of a car wash and service building. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 1,

Block 1 41st Street Business Park.

Planning Department Review:

Applicant:

TO:

Elton Hills Plaza West LLC 140 Elton Hills Lane NW Rochester, MN 55901

Surveyor/Engineer:

McGhie & Betts, Inc. 1648 Third Ave. SE Rochester, MN 55904

Report Attachments:

1. Referral Comments

2. Location Map

3. Final Site Plan Application Materials

Development Review:

Location of Property:

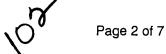
The property is located along the north side of 41st St. NW,

west of 31st Ave. NW.

Zoning:

SD-1 (Arboretum Special District)





Adjacent Land Uses & Zoning

Adjacent properties to the north and west are part of the Arboretum Special District. Property to the north of the proposed drainageway and landscaped berm (see project development plan) is developed with single family homes. IBM property and storm water ponds are located to the south. East of 31st Ave. NW are offices in the M-1 (Mixed Commercial-Industrial) District.

General Development Plan:

The approved Arboretum General Development Plan designates this property appropriate for "commercial" development.

Access:

Access to the site would be from an internal private road that, that will have circulation lanes providing access to both 31st Ave. NW and 41st St. NW.

Drainage:

The Project Development Pan (preliminary plan) for the whole project site identifies an open drainage channel that will extend from 41st Street through the site to the northeast corner at 31st Ave. NW. The open drainage channel is shown along the south and east sides of this Final Plan. An approved grading and drainage plan will be required prior to development.

Wetlands:

There do not appear to be any Wetland issues related to this proposed development.

Special District Summary:

In 1982, the City adopted a Special Zoning District for The Arboretum (# 2247). The Special District allows for a mixture of land uses guided by a general development plan for the area. Land uses conforming to the underlying R-1 district (at the time of Special District adoption) only need be approved through conventional zoning and subdivision approval processes (such as Lincolnshire Subdivisions). Other development projects in accordance with the general development plan for the property, but not conforming to the underlying R-1 zoning must be considered for approval through a two step site plan review process set forth in Ordinance # 2247.

This two step process includes the Project Development Plan and the Final Site Plan. A Project Development Plan was approved in December 2002 for this property. This application is for Final Site Plan approval.



Analysis:

Review Procedure:

The proposed development is subject to the provisions of Ordinance #2247, which establishes the Arboretum Special District and provides for procedures for approval of projects within the Special District. In this instance, a Type III, Phase II review procedure is necessary for both the project development plan phase and the final development plan phase of the review. This requires public hearings at both the Planning Commission and the City Council. According to the Rochester Zoning Ordinance and Land Development Manual (LDM Sec. 60.327), this application will need to be measured against the criteria applicable for conditional use permits (Sec. 61.146) and also for a Restricted Development Final Plan (62.708).

Background & Summary of Proposal:

A Project Development Plan (preliminary plan) was approved for this property in December 2002, which included approximately 9.5 acres of land with multiple commercial uses, as shown on the attached Plan. The Plan identified two office buildings, a bank with a drive through facility, one retail building and a car wash facility with additional vehicle maintenance services (i.e. vacuum, detail, lube). Additionally, an open drainage channel was identified through the site along with a 100' wide open space buffer area adjacent to the existing residential dwellings. The open space buffer includes a berm with plantings.

The applicant is now proposing a Final Plan for the car wash and ancillary vehicle maintenance facilities.

Criteria & Findings:

Sections 61.146 and 62.708 are attached for your review. These sections of the Rochester Zoning Ordinance and Land Development Manual (LDM) include the criteria that must be considered when reviewing this application. Staff suggests the following findings.

In regard to Section 61.146, if this application were approved subject to conditions or modifications, staff suggests that findings within this Section could not be made to support denial of this request.

In regard to Section 62.708 (2) of the LDM (see attached), staff suggest the following findings:

Final Development Plan Criteria:

- a) Public Facility Design: An approved grading/drainage plan is required prior to construction. Extension of public utilities will require approved construction plans, easements and execution of a City-Owner Contract prior to issuance of development permits.
- b) Geologic Hazard: There are no known geologic hazards on this site.
- (c) Access Effect: This property will be served by a private road system circulating through the Project Development Plan site, which will access public roads at 31st Ave. and 41st Street.
- c) **Pedestrian Circulation:** The applicant is responsible to construct 5' wide concrete sidewalk along the entire frontage of 41st Street NW concurrent with development of the property.

- d) Foundation and Site Plantings: The Final Site Plan includes proposed landscaping. No foundation plantings are shown adjacent to the buildings. Landscaping includes sod with tree's located along the perimeter of the site as well as internally.
- e) Site Status: An approved grading/drainage plan is required prior to construction. Extension of public utilities will require approved construction plans, easements and execution of a City-Owner Contract prior to issuance of development permits..
- f) Screening and Bufferyards: The Final Site Plan includes proposed landscaping. No foundation plantings are shown adjacent to the buildings. Landscaping includes sod with tree's located along the perimeter of the site as well as internally. An open drainage channel was identified on the Project Development Plan, through the site along with a 100' wide open space buffer area adjacent to the existing residential dwellings. The open space buffer includes a berm with plantings which will need to be completed during the first construction season (i.e. this year).
- g) Final Building Design: The final building design is generally consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design. Minimal information was previously provided regarding intended building design, materials or colors. One item discusses with the preliminary development plan was the intent to provide a sound muffler at the exit of the car wash building. The Final Plan does not show a sound muffler at the exit as previously proposed. The applicant should address this prior to action on the Final Plan.
- h) Internal Circulation Areas: Plans for off-street parking and loading areas and circulation aisles appear to meet ordinance requirements in terms of design.
- i) Ordinance Requirements: At this time, the applicant needs to provide additional information and modifications to the application. Compliance with Ordinance requirements will be verified after reviewing the additional information.

Regarding findings for Section 61.146: If the applicant provides additional information and revisions and complies with recommended condition, then findings of this Section would not be made to warrant denial of the project.

Staff Recommendation:

At this time, additional information and revisions should be filed prior to taking final action on this Final Site Plan application.

- The Final Plan does not show a sound muffler at the exit as previously proposed. The applicant should address this prior to action on the Final Plan.
- Building elevations for the east side were not included in the submittal packet. The applicant should provide east elevations for the buildings (black & white w/materials and colors noted).

If the applicant agrees to file this additional information at least two weeks <u>prior to the City Council</u> meeting for which this item would be scheduled, staff would agree to forwarding this application to the City Council with a recommendation.

105

Final Site Plan:

Staff recommends the following modifications or conditions, if the Commission wishes to make a recommendation at this time:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. Prior to issuance of a zoning certificate and construction of structures, construction plans for public infrastructure (i.e. watermain) must be approved by the City, additional easements must be provided for public utilities, and grading and drainage plans must be approved.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
- 5. The applicant will need to obtain a Revocable Permit from the City, if the proposed pylon sign will be located in a drainage or utility easement.

Note: This application is still subject to meeting all conditions of the Project Development Plan.



EXCERPTS FROM THE LDM

- 61.146 **Standards for Conditional Uses**: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
 - 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
 - 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
 - 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
 - 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
 - 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 62.708 Criteria for Type III Developments: In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

2) Final Development Plan Criteria:

 a) Public Facility Design: The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.

- b) Geologic Hazard: Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.
- c) Access Effect: Ingress and egress points have been designed and located so as to:
 - Provide adequate separation from existing street intersections and adjacent private driveways so that traffic circulation problems in public right-of-ways are minimized;
 - 2) Not adversely impact adjacent residential properties with factors such as noise from accelerating or idling vehicles or the glare of headlights from vehicles entering or leaving the site.

In addition, where the preliminary development plan identified potential problems in the operation of access points, plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

- d) Pedestrian Circulation: The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and activities within the neighborhood area, and, where appropriate, accommodations for transit access are provided.
- e) Foundation and Site Plantings: A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.
- f) Site Status: Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any platting activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.
- g) Screening and Bufferyards: The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the needs identified in Phase I for the project.
- h) **Final Building Design:** The final building design is consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design.
- i) Internal Circulation Areas: Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.
- Ordinance Requirements: The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.



ROCHESTER

--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/16/03

The Department of Public Works has reviewed the application for <u>Special District</u> <u>Amended Final Site Plan #03-03</u> for the proposed <u>Car Wash (Lot 1, Block 1, 41st Street Business Park)</u>. The following are Public Works comments on this request:

- 1. A Development Agreement has been executed for this Property. Individual lot development is subject to the terms of the executed Agreement.
- 2. Grading & Drainage Plan approval is required prior to development of this property, and a Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. A City-Owner Contract has been executed by the Owner for public infrastructure to serve 41st Street Business Park. Execution of a separate City-owner Contract will be required if additional water main extension(s) and/or the addition of hydrant(s) is required for this lot, other than what was indicated on the plans for the existing City-Owner Contract for 41st Street Business Park.
- 4. Evidence of a cross access easement should be provided for the shared access drive serving this Property.
- 5. Construction of a 5 foot wide concrete sidewalk is required, concurrent with development of this parcel, along the entire frontage of 41st St NW.
- ❖ Development charges and fees applicable to the development of this property are included in the Development Agreement, and City-Owner Contract for 41st Street Business Park.



May 9, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC to allow the construction of a car wash and service building located within 41st Street Business Park along 41st St. NW west of 31st Ave NW.

Dear Ms. Garness:

Our review of the referenced site plan is complete and our comments follow:

- 1. No information on the planned water services was provided within this submittal.
- 2. Final water main construction plans have not yet been approved.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Mike Glenzinski, City Public Works
Vance Swisher, Fire Prevention
Elton Hills Plaza West, LLC
McGhie & Betts, Inc., Engineers

40 Richarde





DATE:

May 13, 2003

TO:

Jennifer Garness, Planning Dept. Rochester-Olmsted Planning Dept.

FROM:

Michael J. Engle, Supv. of Distribution Design

Rochester Public Utilities

280-1579

SUBJECT:

Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC to allow the construction of a car wash and service building. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 1, Block 1 41st Street Business

Park.

RPU's Operations Division review of the above-referenced special district amendment final site plan is complete and our comments follow:

1. Utility easements will be needed for electrical distribution facilities.

Sincerely,

Michael &

la



DATE: May 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

Final Site Development Plan 03-03 by Elton Hills Plaza West LLC to allow the construction of a care wash and service building. The property is located within the 41st Street Business Park and is zoned SD-1. The property is located north of 41st Street NW and west of 31st Ave NW and is platted as Lost 1, Block 1 41st Street Business Park.

With regard to the above noted project plan, the fire department has the following requirements:

- 1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
- 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- Donn Richardson, RPU, Water Division
 Elton Hills Plaza West LLC 140 Elton Hills Lane Rochester, MN 55901
 McGhie & Betts, Inc. 1648 Third Ave SE Rochester, MN 55904



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W. Rochester, MN 55901-5848

Fax: 507-285-7355

Office Tel: 507-280-2913

E-mail: dale.maul@dot.state.mn.us

April 28, 2003

Jennifer Garness Rochester Olmsted Planning Department 2122 Campus Drive SE – Suite 100 Rochester, MN 55904

Re:

Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC. Th4e property is located north of 41st Street NW and west of 31st Avenue SW.

Land Subdivision Permit (Preliminary Plat) #03-13 to be know as Viola Hills Subdivision by Todd Ustby. The property is located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2)

Final Plat #03-09 by Leslie A. Lurken to be known as North Park Fourteenth Subdivision by Leslie A. Lurken. The property is located west of Hillsboro Drive NW and east of Fairway Drive NW.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to Mn/DOT roadways, the City of Rochester should continue to manage traffic impacts from growth in north Rochester.

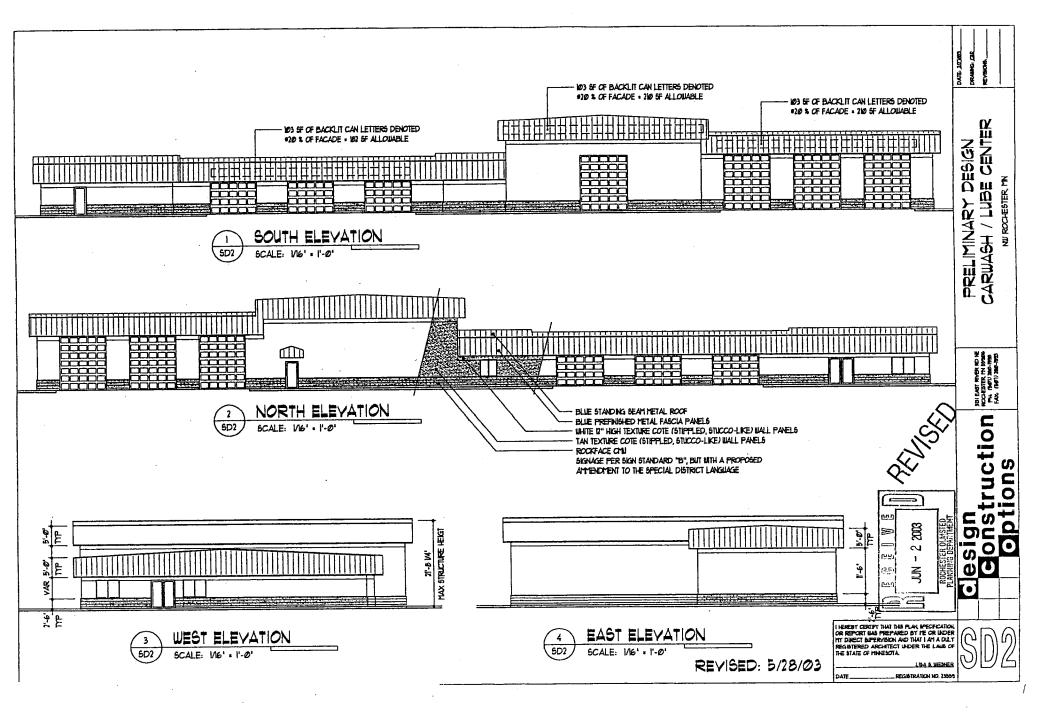
Thank you for keeping Mn/DOT informed. Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

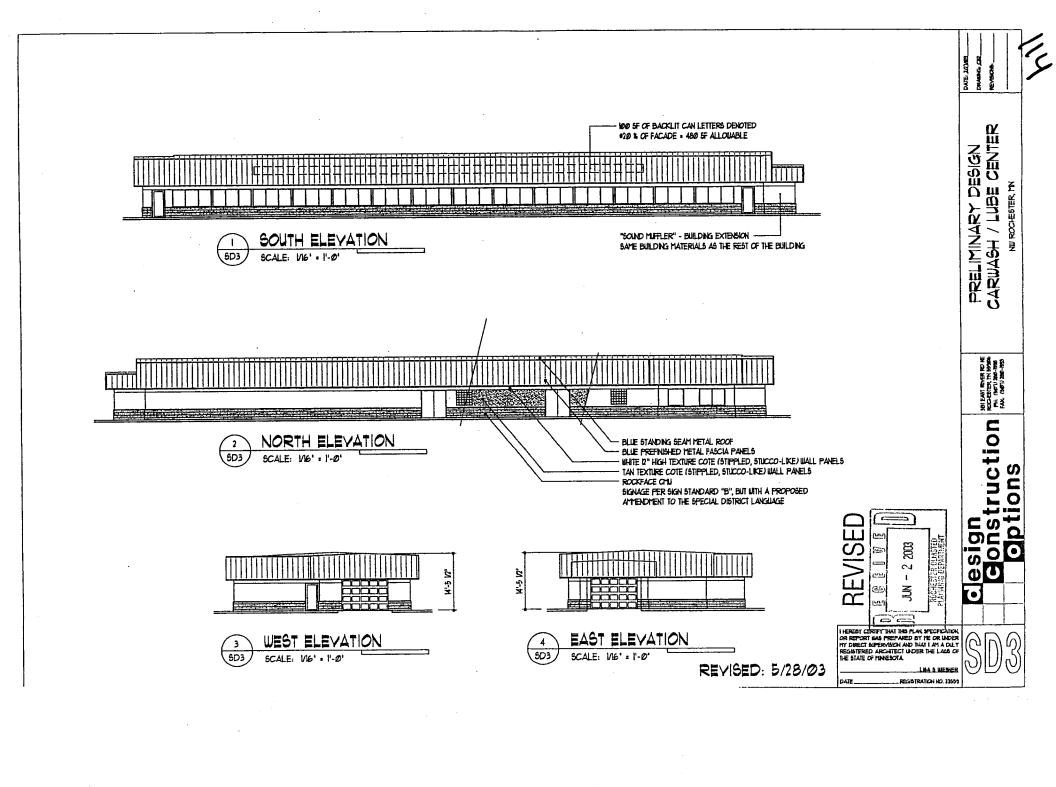
Sincerely,

Dale E. Maul

Planning Director

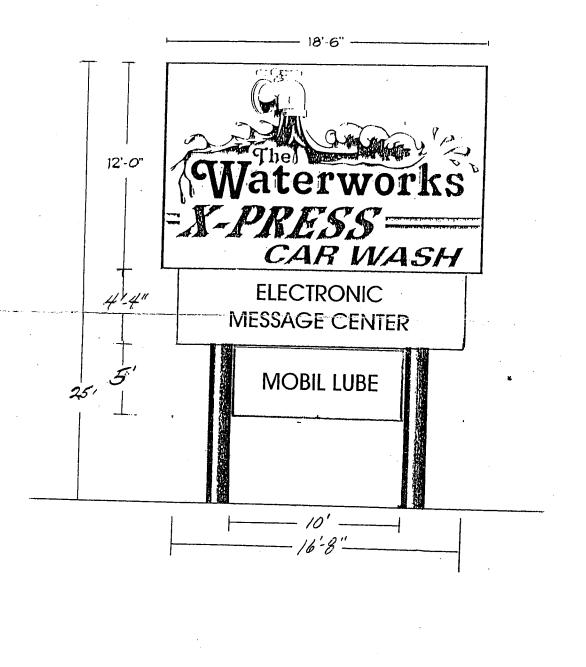
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Project Address

City

State

Scale

Drawn by

Date

Revisions

Salesperson

Customer Approval

Date

This Drawing is the property of

schad-tracy signs

325 Minnesota Ave N. 1610 Oronoco, MN 55960-0364 Burn (507) 367-2631 (612; (507) 367-2633 (Fax) (612;

1610 E. Cliff Rd. Burnsville, MN 55337 (612) 894-2421 (612) 894-2428 (Fax)



Page 2

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

Mr. Staver stated that an additional water tower would be required if the area would be developed further to the northeast. He asked if this had been changed to alleviate the problem of water and utilities.

Mr. Svenby stated that the area is probably being serviced from the water tower that was constructed in the Stonehedge Development.

Annexation Petition #03-16 by Ernest Morris to annex approximately 39.7 acres of land located north of 16th Avenue NE and Northern Hills Second Subdivision. The property is located in a part of the NE ¼ of the NE ¼ Section 24, Cascade Township.

Mr. Brent Svenby presented the staff report, dated May 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Petersson moved to approve Annexation Petition #03-16 by Ernest Morris as recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

PUBLIC HEARINGS:



Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC to allow the construction of a car wash and service building. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 1, Block 1 41st Street Business Park.

Ms. Wiesner passed the gavel to Mr. Quinn and she stated she would abstain from the hearing.

Mr. Brent Svenby presented the staff report, dated May 22, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Jeff Brown, of 1434 Salem Lane SW, Rochester, MN, addressed the Commission. He stated that the applicant is in agreement with the recommendations by staff.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Haeussinger moved to approve Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC, with staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 8-0, with Ms. Wiesner abstaining.

CONDITIONS:

- The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.

- Prior to issuance of a zoning certificate and construction of structures, construction plans for public infrastructure (i.e. watermain) must be approved by the City, additional easements must be provided for public utilities, and grading and drainage plans must be approved.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
- 5. The applicant will need to obtain a Revocable Permit from the City, if the proposed pylon sign will be located in a drainage or utility easement.
- Mr. Staver asked if condition #1 would be stricken.

Mr. Svenby replied that it would remain in the staff report until the applicant submits new plans. Then it would be removed before going to the City Council.

Mr. Quinn passed the gavel to Ms. Wiesner.

Zoning District Amendment #03-10 by the Williams Family Partnership. The applicant is proposing to zone approximately 38.70 acres of land M-1 (Mixed Commercial-Industrial). The property is located east of the Shopko and Menards south stores and 28th St. SE and is of TH 52. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #208 by the Williams Family Partnership, to be known as Williams Industrial Park. The applicant is proposing to develop approximately 38.70 acres with mixed commercial-industrial uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of the Shopko and Menards south stores and 28th St. SE, and is north of TH 52.

Mr. Brent Svenby presented the staff reports, dated May 22, 2003, to the Commission. The staff reports are on file at the Rochester Olmsted Planning Department.

The applicant's representative, Mr. Dale Aller, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that, at the time of final platting, the road on the east side of Menards would be reconstructed as it is presently. The same section would have curb and gutter until the property is developed on the east side.

Ms. Wiesner asked, if the wording would be left as it is presently stated, then would he and Mr. Nigbur of City of Rochester Public Works, work out the final details in the development agreement.

Mr. Allen replied yes; it would be appropriate.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to approve Zoning District Amendment #03-10 by the Williams Family

117

MEETING

REQUEST FOR COUNCIL ACTION			DATE <u>6-16-03</u>	
A	GENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.	
ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC. The Applicant is proposing to subdivide approximately 33.41 acres of land into 59 lots for single-family development and 2 Outlots. The Plat also proposes to dedicate new public roadways. The property is located east of Valley Estate Second Subdivision and south of Highway 14 East.			PREPARED BY: Brent Svenby, Planner	
Ju	ine 11, 2003			
NOTE: The applicant submitted a revised plat addressing recommended conditions number 1 and 9 so those conditions can be removed.				
City Planning and Zoning Commission Recommendation:				
The City Planning and Zoning Commission held a public hearing on May 28, 2003 to consider this preliminary plat to allow for a single family residential development.				
Dave Bell of Freedom Development and Consulting, Inc. addressed the Commission. Mr. Bell reviewed the entire development. He also stated that they were in agreement with the staff recommended conditions.				
The Planning Commission found that this preliminary plat conforms to the criteria listed in the Land Development Manual and recommends approval of this preliminary plat with the following modifications or conditions:				
-1,	 The plat shall be revised to include: A 20' minimum public utility easements between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system. Red Hawk Drive SE illustrated east of the intersection with Falcon Place SE. Identifying the roadway named "Falcon Place SE, both north and south of red Hawk Drive SE to Falcon Road SE. Identifying the roadway named Falcon Court SE as Falcon Lane SE. Identifying the roadway named Starling Court SE as Starling Lane SE. Identifying the roadway named White Owl Court SE as White Owl Lane SE. 			
2.	A Storm Water Management Fee will apply to any area detention facility. Any on-site facilities serving less the Maintenance and Ownership Agreement.	of the development that does not d nan 50 acres will be private and will l	rain to an on-site require the execution of	
<i>3</i> .	Construction of a temporary turn-around and associate of Falcon Place SE.	led temporary easement is required	at the southerly extend	
4.	Prior to recording the Final Plat, the applicant shall exceed dedicate applicable access and drainage easements for shown on Outlot 'A'	ecute an Ownership & Maintenance or the proposed private stormwater	Agreement, and detention facility	

5. Parkland dedication shall be met via cash in lieu of land with payment due prior to the recordation of the final

6. Development is limited to 1200 adt until a secondary access is provided.

COUNCIL ACTION: Motion by:______ to:

plat documents.

- 7. The applicant shall execute a Maintenance Agreement, prior to recording the Final Plat, for islands located within the cul-de-sacs. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.
- 8. No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.
- 9. Prior to the City Council taking action on the this plat, the applicant shall provide preliminary construction plans for Phase II or the plat shall be revised to exclude the phase II area. Adequate time for review of the construction plans shall be provided.

Ms. Peterrson moved to recommend approval of Preliminary Plat #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC with staff-recommended conditions. Mr. Burke seconded the motion. The motion carried 8-1 with Ms. Wiesner voting nay.

Council Action Needed:

1) The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in Paragraph 61.225 can be made.

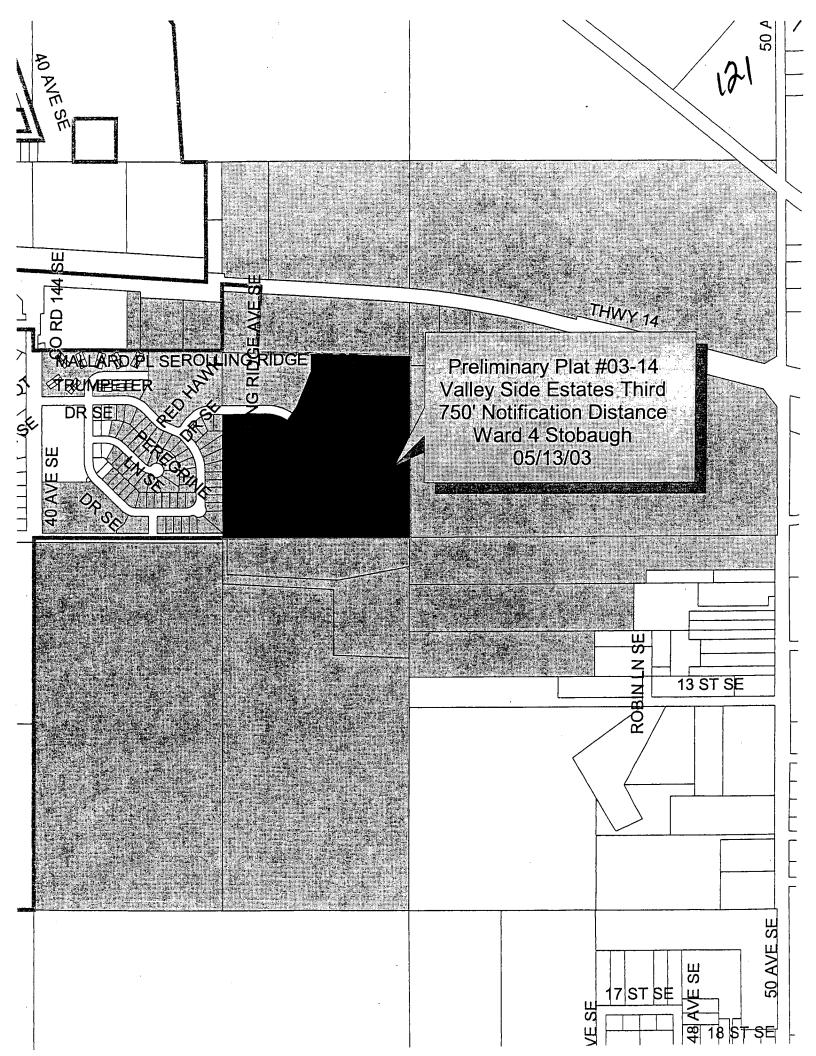
Attachment:

1. Staff Report dated May 23, 2003

2. Minutes of the May 28, 2003 CPZC Meeting

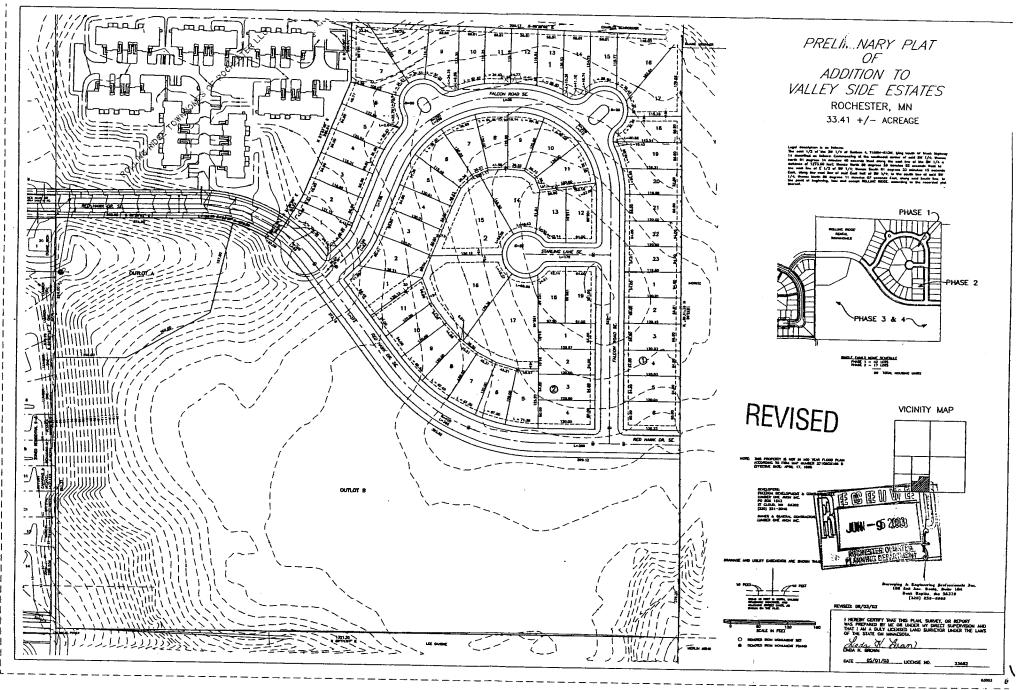
Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Planning Department GIS Division
- 5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 16, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 6. Brown Herkenoff





VALLEY SIDE ESTATES THIRD









ROCHESTER-OLMSTED

PLANNING DEPARTMENT

2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/ **PLANNING**

507/285-8232

GIS/ADDRESSING/ 507/285-8232

MAPPING

507/285-8224

HOUSING/HRA

507/285-8213

BUILDING CODE

RE:

DATE:

TO:

Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley 507/285-8345

City Planning and Zoning Commission

Side Estates Third by Freedom Development & Consulting LLC. The Applicant is proposing to subdivide approximately 33.41 acres of land into 84 lots for single family development and 3 Outlots. The Plat also proposes to dedicate new public roadways. The property is located east of Valley Estate Second Subdivision and south of Highway 14 East

Planning Department Review:

FROM: Brent Svenby, Planner

May 23, 2003

Applicant/Owner:

Freedom Development & Consulting LLC

PO Box 1643

St.Cloud, MN 56302

Surveyors/Engineers:

Brown Herkenhoff 1424 2nd Street North Sauk Rapids, MN 56379

Referral Comments:

1. Rochester Department of Public Works

2. Rochester Park & Rec. Dept.

3. Planning Dept. Wetlands LGU

4. RPU Water Division

5. RPU Electric Division

6. Planning Dept Addressing

7. Rochester Fire Department

8. MnDOT

Report Attachments:

1. Land Development Manual Excerpts

2. Referral Comments (6 Letters)

3. Copy of Preliminary Plat

Development Review:

Location of Property:

The property is located east of Valley Estate Second

Subdivision and south of Highway 14 East.

Zoning:

The property is zoned R-2 (Low Density Residential)

district on the City of Rochester Zoning Map.





Page 2 May 23, 2003

Proposed Development: This plat con

This plat consists of 33.41 acres to be subdivided into 84 lots for single family detached housing and 3 outlots.

Streets:

The plat dedicates the right-of-way of a number of roadways ranging from a right-of-way dedication width of 50 to 60 feet and a pavement surface of 28' to 36'.

The proposed cul-de-sac islands will require execution of a Maintenance Agreement prior to recording the Final Plat. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.

No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.

Roadway names will need to be modified. See the letter dated May 14, 2003 from the GIS Addressing Dept.

Utilities will be extended from the west to accommodate this development. Additional 20' minimum public utility easements are required between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system. Public utility easements will be required in Outlots B & C for the required water main loops connecting the cul-de-sacs and the existing stub-out from Valley Side Estates Second to the west. These easements can be dedicated as a part of the development of the outlots depending on where the actual phase limits are. Static pressure within the area will range from 68 to 79 PSI.

In accordance with current City policy, sidewalk is required along the both sides of the roadways, including the frontage of all Outlots within the Plat.

On-site detention is planned with this Plat (Outlot A). A Voluntary Storm Water Management fee will apply to any areas of this subdivision that, when graded, do not drain to an approved detention facility. Any onsite facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement.

Grading & Drainage Plan approval is required prior to Final Plat submittal.

Utilities:

Sidewalks:

Drainage:

Page 3 May 23, 2003 125

Wetlands:

According to the Olmsted County Soil Survey, no

hydric soils exist on the site.

Spillover Parking:

The spillover parking requirements for this

development will need to be evaluated further at the

time of development.

Parkland Dedication:

The Rochester Park and Recreation Department recommends that parkland dedication requirements for this development be met via cash in lieu of land with payment due prior to the recordation of the final

plat.

The trails shown on Outlots A-C are private trails to

be constructed by the developer.

General Development Plan:

This property is included in the Ridgewood General Development Plan, which was approved in February

2002.

Staff Review and Recommendation:

The Planning staff has reviewed this preliminary plat request under the provisions of LDM. Staff recommends the following modifications or conditions:

- 1. The plat shall be revised to include:
 - A 20' minimum public utility easements between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system.
 - Red Hawk Drive SE illustrated east of the intersection with Falcon Place SE.
 - Identifying the roadway named "Falcon Place SE, both north and south of red Hawk Drive SE to Falcon Road SE.
 - Identifying the roadway named Falcon Court SE as Falcon Lane SE.
 - Identifying the roadway named Starling Court SE as Starling Lane SE.
 - Identifying the roadway named White Owl Court SE as White Owl Lane SE.
- 2. A Storm Water Management Fee will apply to any area of the development that does not drain to an on-site detention facility. Any on-site facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement.
- 3. Construction of a temporary turn-around and associated temporary easement is required at the southerly extend of Falcon Place SE.
- 4. Prior to recording the Final Plat, the applicant shall execute an Ownership & Maintenance Agreement, and dedicate applicable access and drainage easements for the proposed private stormwater detention facility shown on Outlot 'A'
- 5. Parkland dedication shall be met via cash in lieu of land with payment due prior to the recordation of the final plat documents.



- 6. Development is limited to 1200 adt until a secondary access is provided.
- 7. The applicant shall execute a Maintenance Agreement, prior to recording the Final Plat, for islands located within the cul-de-sacs. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.
- 8. No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.
- 9. Prior to the City Council taking action on the this plat, the applicant shall provide preliminary construction plans for Phase II or the plat shall be revised to exclude the phase II area. Adequate time for review of the construction plans shall be provided.

REMINDER TO APPLICANT:

- Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.
- Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements and acceptance of improvements by the City.



CITY OF ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

Page 6 May 23, 2003

- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

129

ROCHESTER

--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/16/03

The Department of Public Works has reviewed the application <u>PP#03-14</u>, for the proposed <u>Valley Side Estates Third</u> subdivision. The following are Public Works comments on the proposal:

- 1. A Development Agreement has been executed for this property.
- 2. Grading & Drainage Plan approval is required prior to Final Plat submittal.
- 3. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer. NOTE: The Preliminary Construction Plans submitted with this application only include Phase I. Phase II Construction Plans should be submitted for review, or the preliminary plat should be revised to exclude the proposed Phase II area.
- 4. The proposed cul-de-sac islands will require execution of a Maintenance Agreement prior to recording the Final Plat. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.
- 5. Execution of a City-Owner Contract prior to the construction of any public infrastructure to serve this subdivision.
- 6. Prior to recording the Final Plat, execution of an Ownership & Maintenance Agreement, and dedication of applicable access and drainage easements is required for the proposed private stormwater detention facility shown on Outlot 'A'.
- 7. The 6 foot wide bituminous pedestrian path, extending from Red Hawk Dr SE between proposed Lot 1, Block 2 of Phase I., and Lot 11, Block 2, Phase II., should be identified as privately constructed and maintained unless it is required as a mid-block connection in which case it needs to be constructed 10 feet wide within a 30 foot wide Outlot that will be dedicated to the City.
- 8. Construction of a temporary turn-around and associated temporary easement is required at the southerly extent of Falcon Pl SE.

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- South East Trunkline Sewer (SAC) @ \$2512.80 per developable acre
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a privately constructed on-site detention facility.
- ❖ Southeast Transportation Improvement District (SETID) @ \$3371.34 per gross acre
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.
- Traffic Signs as determined by the City Engineer.





June 10, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: REVISED: Preliminary Plat #03-14 by Freedom Development & Consulting LLC to be known as Valley Side Estates Third.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

- 1. Public utility easements will be required in Outlot B for the required water main loops connecting that area with the existing stub-out from Valley Side Estates Second to the west. Those easements can be dedicated as a part of the development of the Outlot.
- 2. Static water pressures within this area will range from 68 to 79 PSI.
- 3. An 8" water main is required within the easement shown between Lots 17 & 18, Block 1 to adequately serve the adjacent property to the east.
- 4. Other minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

un Richarde_

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Freedom Development & Consulting LLC
Brown Herkenhoff

131



ROCHESTER PARK AND RECREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

June 9, 2003

TO:

Jennifer Garness

Planning

RE:

Valley Side Estates 3rd

REVISED

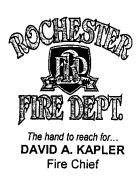
Preliminary Plat #03-14

Acreage of plat	33.41 a
Number of dwelling units	59 units*
Density factor	.0244
Dedication	1.44 a
Fair market value of land	\$15,000 / a

Does not include units planned for Outlots A. & B. To be determined with submittal of site plan for Outlots A. & B.

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of final plat.





DATE: May 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

Land Subdivision Permit (preliminary plat) 03-14 by Freedom Development & Consulting

LLC to be known as Valley Side Estates Third Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac. The cul-de-sac associated with this plan is indicated as less then 96 feet and therefore shall be marked "No Parking".

Streets less than 36 feet in width shall be posted "No Parking" along one side of the street. The streets associated with this plan are indicated as less than 36 feet and will require "No Parking" signage along one side of the streets.

- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- Donn Richardson, RPU, Water Division
 Freedom Development & Consulting LLC PO Box 1643 St. Cloud, MN 56302
 Brown Herkenhoff 1424 2nd Street North Sauk Rapids, MN 56379

Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W.

Rochester, MN 55901-5848

Fax: 507-285-7355 E-mail: dale.maul@dot.state.mn.us

Office Tel: 507-280-2913

May 16, 2003

Jennifer Garness Rochester-Olmsted Planning Department 2122 Campus Drive SE – Suite 100 Rochester, MN 55904

Re: Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC. The property is located east of Valley Estate Second Subdivision and south of US Highway 14.

Dear Ms. Garness:

Thank you for the opportunity to review the Preliminary Platting for Valley Side Estates Third. This proposal will result in significant added traffic demand on US Highway 14 which must be appropriately managed, particularly as there are no plans to widen US Highway 14 or address additional improvement or signal needs at 40th Avenue until 2012.

Mn/DOT recommends that the City of Rochester and Olmsted County extend Eastwood Road east to CSAH 11 to service this and other planned development. Local street connections are needed to disperse the traffic and direct it toward current signalized intersections. Without appropriate management of the traffic impacts, the City of Rochester should restrict the staging of new development appropriate to the capacity of US Highway 14.

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul Planning Director

e EMI







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

May 14, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Linda Brown, Brown and Herkenhoff

RE:

VALLEY SIDE ESTATES THIRD

PRELIMINARY PLAT #03-14

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. RED HAWK DRIVE SE needs to be illustrated east of intersection with Falcon Place SE.

RECOMMENDATION: Duplicate text for **RED HAWK DRIVE SE** to short stretch of roadway lying east of intersection with Falcon Place SE.

2. FALCON PLACE SE is too long a roadway to be designated as a Place.

RECOMMENDATION: Change Falcon Place SE, both north and south of Red Hawk Drive SE to **FALCON ROAD SE**.

3. FALCON COURT SE is using an incorrect roadway type for a cul-de-sac roadway.

RECOMMENDATION: Change Falcon Court SE to FALCON LANE SE.

135

4. STARLING COURT SE is using an incorrect roadway type for a cul-de-sac roadway. **RECOMMENDATION:** Change Starling Court SE to **STARLING LANE SE**.

5. WHITE OWL COURT SE is using an incorrect roadway type for a cul-de-sac roadway.

RECOMMENDATION: Change White Owl Court SE to WHITE OWL LANE SE.



Page 5

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

The motion carried 9-0.



Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates
Third by Freedom Development & Consulting LLC. The Applicant is proposing to
subdivide approximately 33.41 acres of land into 84 lots for single family development
and 3 Outlots. The Plat also proposes to dedicate new public roadways. The property is
located east of Valley Estate Second Subdivision and south of Highway 14 East.

Mr. Brent Svenby presented the staff reports, dated May 23, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that the development is subject to a secondary access once it reaches 1,200 trips.

Mr. Haeussinger asked where the secondary access would be located.

Mr. Svenby replied that it would need to be to the south or east when the area is developed.

Mr. Quinn stated that the traffic congestion in the area would only increase.

Mr. Quinn asked if there had been any property approved to the south or the east.

Mr. Svenby replied no.

Ms. Wiesner asked if there is a time frame for a future development on the preliminary plat.

Mr. Svenby replied yes.

Mr. Dave Bell, of Freedom Development & Consulting, Inc., St. Cloud, MN, addressed the Commission. He stated that the development would be done in Phases. Last year there was too much rain and water runoff. That is why there was a problem with drainage in the area. They had to create a regional storm pond. In previous meeting minutes, there was a recommendation for it to be banked. A regional city pond would have oversized pipes to flow into the holding pond. The Theins did not object to a pond being placed on their property.

Ms. Wiesner asked why they do not connect the cul-de-sacs between the townhomes.

Mr. Bell replied that it would create an island effect. They want private trails that would connect with a larger trail to the City Park. The way the topography is, all the townhomes would be walkouts. The center islands would be landscaped and privately maintained. They have planted boulevard trees in the development. He stated that they are in agreement with the staff recommended conditions.

Ms. Rivas stated that the cul-de-sac is a different type of look, and gives a rarity and variety to the townhome development.

Ms. Wiesner asked what the length of the cul-de-sac was.

Mr. Bell replied under 500 feet.

Hearing Date: May 28, 2003

Mr. Lee Ganske, of 4220 Eastwood Road SE, Rochester MN, addressed the Commission. He stated that there is an issue with the traffic flow. The intersection of 40th Street and Highway 14 converges from two-lanes to four-lanes. The intersection is very dangerous. The other option to leave the area would be the junction of 40th Street and Eastwood Road. There is a gravel road coming up a steep hill, which then turns into a 90-degree angle, the road could cause problems. This type of housing is in high demand. It would be good for the community. To the east, the topography is very hilly and highly concentrated with trees. The developer has left that area as undeveloped green space. There are Decorah Edge conditions in the area. He would like to request the Commission and the developer formalize where the boundaries are and possibly adding a condition so there is not an encroachment into the area. They should designate separate outlots for the open space. In condition #3, it states that there would be a temporary turn around with Falcon Place, SE. He asked if they would be seeking an easement on his property or on the developer's property.

Mr. Bell replied the easement would be on the developer's property.

Mr. Ganske stated that he would like the green space retained.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to approve Land Subdivision Permit (Preliminary Plat) #03-14 to be known as Valley Side Estates Third by Freedom Development & Consulting LLC with the staff-recommended conditions. Mr. Burke seconded the motion. The motion carried 8-1, with Ms. Wiesner voting nay.

CONDITIONS:

- 1. The plat shall be revised to include:
 - A 20' minimum public utility easements between Lots 20 & 21, Block 1 and Lots 8 & 9, Block 3 for the required water main loops to serve adjacent parcels and to provide adequate networking of the water system.
 - Red Hawk Drive SE illustrated east of the intersection with Falcon Place SE.
 - Identifying the roadway named "Falcon Place SE, both north and south of red Hawk Drive SE to Falcon Road SE.
 - Identifying the roadway named Falcon Court SE as Falcon Lane SE.
 - Identifying the roadway named Starling Court SE as Starling Lane SE.
 - Identifying the roadway named White Owl Court SE as White Owl Lane SE.
- 2. A Storm Water Management Fee will apply to any area of the development that does not drain to an on-site detention facility. Any on-site facilities serving less than 50 acres will be private and will require the execution of a Maintenance and Ownership Agreement.
- Construction of a temporary turn-around and associated temporary easement is required at the southerly extend of Falcon Place SE.
- 4. Prior to recording the Final Plat, the applicant shall execute an Ownership & Maintenance Agreement, and dedicate applicable access and drainage easements for the proposed private stormwater detention facility shown on Outlot 'A'.

137



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City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

- 5. Parkland dedication shall be met via cash in lieu of land with payment due prior to the recordation of the final plat documents.
- 6. Development is limited to 1200 adt until a secondary access is provided.
- 7. The applicant shall execute a Maintenance Agreement, prior to recording the Final Plat, for islands located within the cul-de-sacs. In addition, a Landscape Plan must be submitted by the Owner with the City-Owner Construction Plans, and approved by the City Engineer.
- 8. No parking signs shall be posted on the roadways referenced in the letter dated May 5, 2003 from the Rochester Fire Department.
- Prior to the City Council taking action on the this plat, the applicant shall provide preliminary construction plans for Phase II or the plat shall be revised to exclude the phase II area. Adequate time for review of the construction plans shall be provided.

Ms. Rivas asked, if a separate outlot would be created, would that require special permission for access.

Mr. Ohly replied that a non-profit organization would own the separate outlot. The home owners would need to pay a fee and help maintain. There would be a separate agreement that the developer would construct. The agreement would also be private not public.

OTHER BUSINESS:

1. Potential zoning ordinance amendments regarding "animated signs"

Mr. Terry Spaeth, of 201 4th ST, SE, Rochester City Administration, addressed the Commission. He stated that he was present to represent the potential Zoning Ordinance amendments regarding animated signs. They are looking for a recommendation from CUDE and City Zoning and Planning Commission members. They do not know if they should regulate the signs. Most communities have banned animated signs, as they are seen as a public hazard. He indicated that he thought limitations should be placed on the Sign Ordinance. Also, they should not be allowed in residential areas, right-of ways, and in the vicinity of signal lights. Public safety is the main concern.

Ms. Rivas stated that, if they would be in the sight line, they would conflict with the traffic signal lights.

Ms. Petersson stated that there is currently a Sign Ordinance.

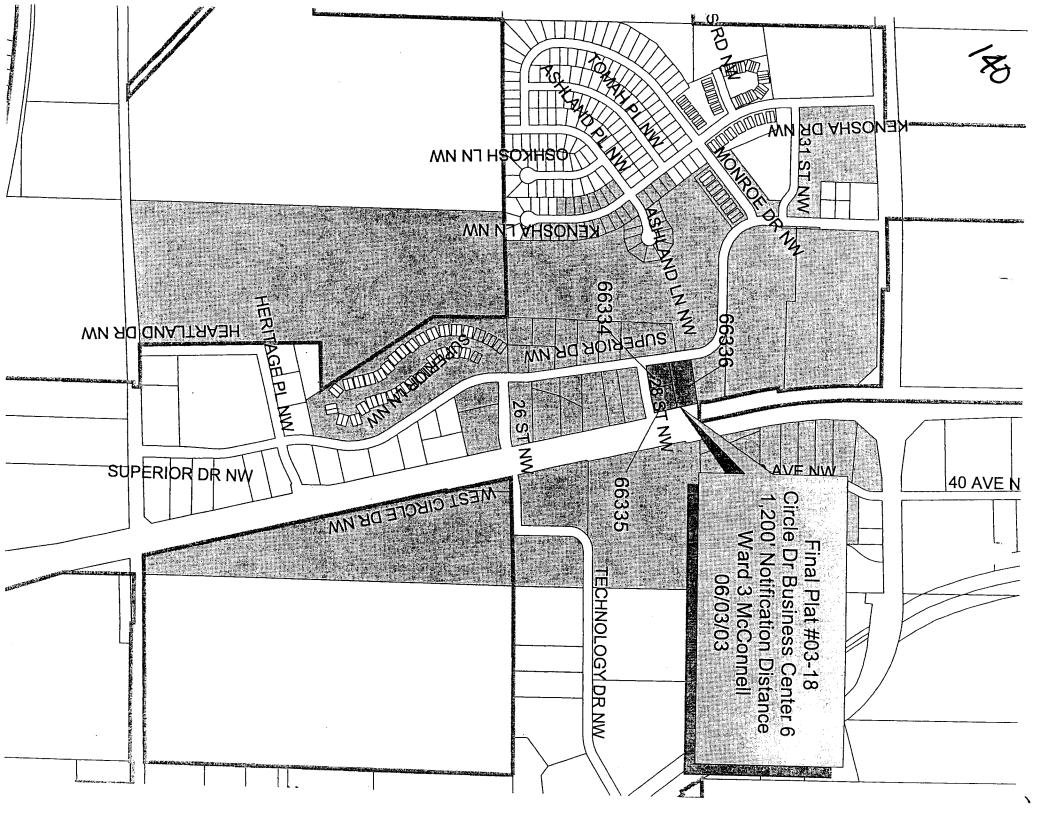
Ms. Pat Alfredson, Rochester City Attorney, stated that an Animated Sign Ordinance could be adopted.

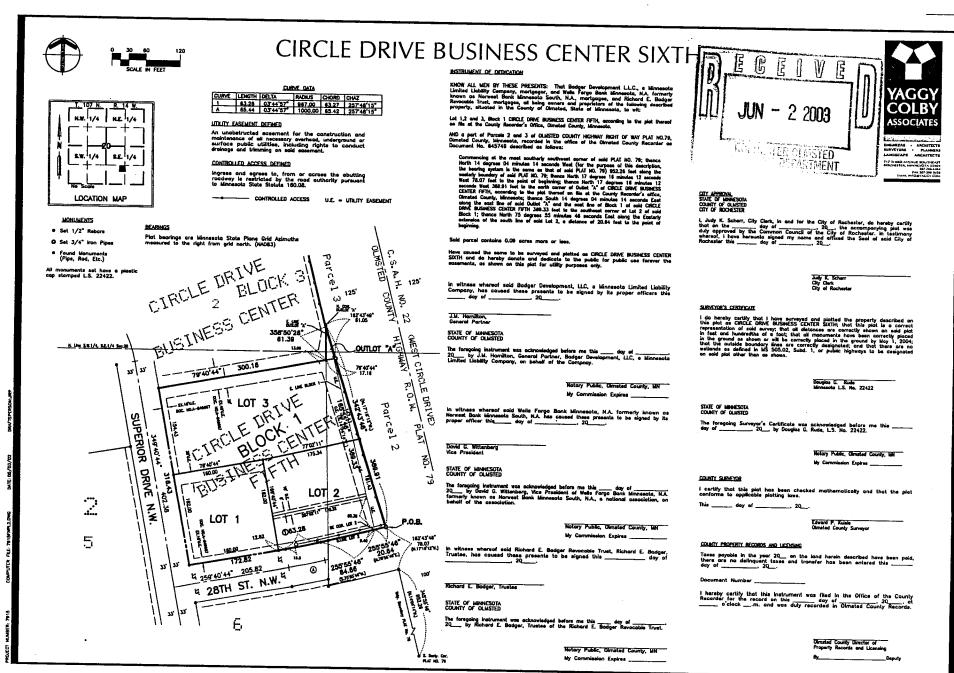
Ms. Wiesner asked for a vote whether the current Sign Ordinance is sufficient. A motion that the current Sign Ordinance is sufficient was made and carried 8-1, with Ms. Rivas voting nay.

REQUEST FOR COUNCIL ACTION MEETING

ring 139

AGENDA SECTION:	ORIGINATING DEPT:	DATE: <u>6-16-03</u>
PUBLIC HEARINGS	PLANNING	F5
TEM DESCRIPTION: Final Plat #03-18 by Badger Deve Drive Business Center Sixth	elopment LLC to be known as Circle	PREPARED BY: Brent Svenby, Planner
June 11, 2003		
Planning Department Review:		
See attached staff report dated June 11, 2003 recommend	ding approval subject to the following mo	difications/conditions:
1. A GIS Impact Fee and E911 Addressing Fee sha plat, per the June 5, 2003 memorandum from Ro	II be assessed and must be paid prio	r to recording the fine
 Construction of a 5 foot wide concrete sidewalk and 28th St. NW, as well as a 10 foot wide bituming Drive. 	is required along the entire frontage	s of Superior Dr. NW
3. Storm water management must be provided. A Storm individual lot development, if on-site detention	torm Water Management fee will be a	pplicable at the time
• •		
Council Action Needed:		
1. A resolution approving the plat can be ac	lontod	
The solution approving the plat can be at	ioptea.	
·		
-1		
Distribution: 1. City Administrator		
 City Administrator City Attorney 		
 City Administrator City Attorney Planning Department File 	7:00 p m on Mandau June 40, 0000 i	
 City Administrator City Attorney Planning Department File Applicant: This item will be considered sometime after at the Rochester / Olmsted County Government Center 	r 7:00 p.m. on Monday, June 16, 2003 in r.	the Council Chambers
 City Administrator City Attorney Planning Department File Applicant: This item will be considered sometime after 	7:00 p.m. on Monday, June 16, 2003 in r.	the Council Chambers
 City Administrator City Attorney Planning Department File Applicant: This item will be considered sometime after at the Rochester / Olmsted County Government Center 	r 7:00 p.m. on Monday, June 16, 2003 in r.	the Council Chambers
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 City Administrator City Attorney Planning Department File Applicant: This item will be considered sometime after at the Rochester / Olmsted County Government Center 	·	the Council Chambers

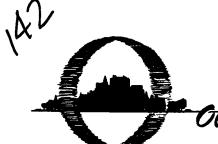




CIRCLE DRIVE BUSINESS CENTER SIXTH

SHEET NO. 1 OF 1





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester Common Council

FROM:

Brent Svenby, Planner

DATE: June 11, 2003

RE: Final Plat #03-18 to be known as Circle Drive Business Center Sixth by Badger Development LLC. The Applicant is proposing to re-subdivide Lots 1, 2, and 3, Block 1 Circle Drive Business Center Fifth into 3 lots for development. The property is located along the west side of West Circle Drive, north of 28th Street NW and east of Superior Drive NW.

Planning Department Review:

Applicant/Owner:

Badger Development LLC

Riverside Building, Suite 100

400 South Broadway Rochester, MN 55904

Surveyors/Engineers:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Referral Comments:

1. Rochester Public Works Department

2. RPU - Water Division 3. RPU - Operations Division 4. Rochester Fire Department

MnDOT

6. Planning Dept. Wetlands

7. Planning Dept. GIS/Addressing

Report Attachments:

1. Referral Comments (2 Letters)

2. Copy of Final Plat

3. Location Map

Plat Data:

Location of Property:

This plat is located along the west side of West Circle Drive, along the north side of 28th St. NW and along

the east side of Superior Dr NW.

Zoning:

The property is zoned M-1 (Mixed Commercial-Industrial) district on the City of Rochester Zoning

Map. However the small piece of property being

added to the lots is zoned R-1.



Page 2
Final Plat #03-18 Circle Drive Business Center 6th
June 11, 2003

Proposed Development: This proposal is to re-subdivide Lots 1, 2, and 3,

Block 1 Circle Drive Business Center Fifth into 3 lots for development. The property is being replatted to add some land that was owned by Olmsted County

and was right-of-way for West Circle Drive.

Roadways: There are no new roadways being dedicated with this

plat.

Pedestrian Facilities: Construction of a 5-foot wide concrete sidewalk is

required along the entire frontages of Superior Drive NW and 28th Street NW as well as a 10-foot wide bituminous pedestrian path along the entire frontage

of West Circle Drive.

Wetlands: Minnesota Statutes now require that all developments

be reviewed for the presence of wetlands or hydric soils. The Soils Survey does not indicate hydric soils

within this Plat.

Drainage: Initial grading was previously approved. Detailed

grading and storm water management requirements will be reviewed further at the time of individual lot

development.

Public Utilities: The utilities to serve this area have been installed.

A City-Owner Contract was previously executed for basic construction in Circle Drive Business Center. Any additional public watermain or hydrant additions required for individual lot development will require the execution of a separate City-owner Contract prior to

installation of any needed public utilities.

Spillover Parking: Parking requirements for this property will be

reviewed at the time specific development is

proposed.

Parkland Dedication: No parkland dedication is required for this plat.

General Development Plan: This property is part of the Badger Ridge General

Development Plan.

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat and would recommend approval subject to the following modifications/conditions:

1. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 5, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.



Page 3
Final Plat #03-18 Circle Drive Business Center 6th
June 11, 2003

- 2. Construction of a 5 foot wide concrete sidewalk is required along the entire frontages of Superior Dr. NW, and 28th St. NW, as well as a 10 foot wide bituminous pedestrian path along the entire frontage of West Circle Drive.
- 3. Storm water management must be provided. A Storm Water Management fee will be applicable at the time of individual lot development, if on-site detention is not provided.

NOTE: Charges/fees applicable to the development of this property have been addressed in the previous City-Owner Contract for Circle Drive Business Center, with the exception of Storm Water Management.

ROCHESTER



--- Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/10/03

The Department of Public Works has reviewed the application for the <u>Final Plat #03-18</u>, on the <u>Circle Drive Business Center Sixth</u> property. The following are Public Works comments on this request:

- 1. A Development Agreement has been executed for this property.
- 2. A City / Owner Contract was previously executed for basic construction in Circle Drive Business Center. Any additional public watermain or hydrant additions required for individual lot development will require the execution of a separate City-Owner Contract prior to installation of any needed public utilities.
- 3. Construction of 5 foot wide concrete sidewalk is required along the entire frontages of Superior Dr NW, and 28th St NW, as well as a 10 foot wide bituminous pedestrian path along the entire frontage of West Circle Drive.

Charges and fees applicable to the development have been addressed in the previous City-Owner Contract for Circle Drive Business Center, with the exception of Storm Water Management.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

June 5, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald, Wade Dumond

and Badger Development LLC

RE:

CIRCLE DRIVE BUSINESS CENTER SIXTH

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

GIS IMPACT FEE:

\$215.00 (3 LOTS/OUTLOTS)

E911 ADDRESSING FEE:

\$60.00 (3 LOTS/ADDRESSES)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of <u>CIRCLE DRIVE BUSINESS CENTER SIXTH</u> the GIS / Addressing staff has found no issues to bring forth at this time.

MEETING

DATE: 06-16-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Annexation Petition #03-14 by Roger (59.92 acres of land located north of 19 th Street NW and east located in a part of the NW ¼ Section 29, Cascade Township	of 50 th Avenue NW. The property is	PREPARED BY: Brent Svenby, Planner

June 10, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on May 28, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of sanitary sewer and water lines from their present ends. The Planning Commission therefore recommends approval of this request.

Ms. Petersson moved to recommend approval of Annexation Petition #03-16 by Ernest Morris as recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

Planning Department Recommendation:

See attached staff report, dated May 19, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2003 is \$186.91.

Council Action Needed:

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.

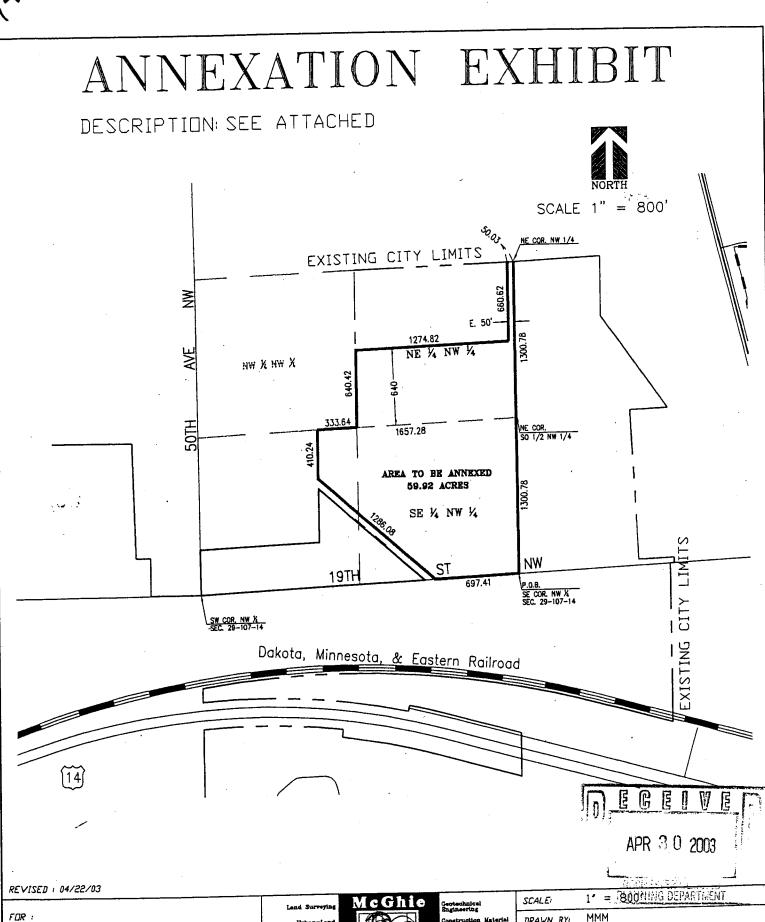
Attachments

- Staff report, dated May 19, 2003.
- Draft copy of the minutes of the May 28, 2003, CPZC meeting

Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Legal Description Attached
- 4. City Finance Director: Tax Information Attached
- 5. Planning Department File
- 6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 16, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 7. McGhie & Betts Inc.

COUNCIL ACTION: Motion by:	Second by:	to:	



WEST 19 DEVELOPMENT, LLC 4410 19TH STREET N.W. ROCHESTER, MN



DRAWN BY DATE 02/08/03 1112H/2653 | Cadd No. 2653ANNE ACCT. NO. :







ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/ **PLANNING**

507/285-8232

507/285-8232 GIS/ADDRESSING/

MAPPING

507/285-8224

HOUSING/HRA **BUILDING CODE**

507/285-8213

WELL/SEPTIC

507/285-8345

FAX

507/287-2275

RE:

DATE:

TO:

Annexation Petition #03-14 by Roger Carlsen to annex approximately

City Planning and Zoning Commission

59.92 acres of land located north of 19th Street NW and east of 50th Avenue NW. The property is located in a part of the NW 1/4, Section 29, Cascade

Township.

Planning Department Review:

FROM: Theresa Fogarty, Planner

May 19, 2003

Applicants/Owners:

Roger Carlsen

4410 NW 19th Street

Rochester, MN 55901

Architect/Engineer:

McGhie & Betts, Inc. 1648 Third Avenue SE

Rochester, MN 55904

Existing Land Use:

This property is currently undeveloped land.

Existing Zoning:

The property is zoned A-4 (Agricultural Urban Expansion)

District on the Olmsted County zoning map.

Future Zoning:

Upon annexation, the property will be zoned R-1 (Mixed Single

Family Residential) district on the Rochester Zoning Map.

Land Use Plan:

This property is designated for "low density residential" uses

on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal

Limits:

The property is adjacent to the city limits along its northern

boundary.

Sewer & Water:

This area is within the Northwest High Level Water System Area, which is currently available north of this property within the Badge Ridge development, to the east within Circle 19

Plaza development and to the south of the railroad within the Seehusen Industrial Park Development.

Municipal sewer & water are not currently available, but can

be extended to serve this property.





Page 2 Annexation #03-14 Roger Carlsen May 19, 2003

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, June 16, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

No referral comments attached.

Report Attachments:

Annexation Map
 Location Map

Staff Recommendation:

This property is adjacent to the City limits and can be served by city water services upon extension of the water lines from their present ends. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

MINUTES OF THE CITY OF ROCHESTER PLANNING COMMISSION 2122 CAMPUS DRIVE SE – SUITE 100 ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, May 28, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

<u>Members Present</u>: Ms. Lisa Wiesner, Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. John Hodgson; Mr. Robert Haeussinger; Mr. James Burke; Mr. Paul Ohly; Mr. Michael Quinn, Vice Chair; and Mr. Randy Staver

Members Absent:

Staff Present: Mr. Brent Svenby and Ms. Stephanie Foster

Other City Staff Present: Ms. Pat Alfredson, City Attorney and Mr. Terry Spaeth, City Administration

ADMINISTRATIVE BUSINESS:

Mr. Haeussinger made a motion to approve the minutes of May 14, 2003, as written. Mr. Quinn seconded the motion. After a short discussion, the minutes from May 14, 2003 were approved unanimously.

Mr. Haeussinger made a motion to approve the agenda, as written. Mr. Quinn seconded the motion. The motion carried unanimously.

ANNEXATIONS:



Annexation Petition #03-14 by Roger Carlsen to annex approximately 59.92 acres of land located north of 19th Street NW and east of 50th Avenue NW. The property is located in a part of the NW ¼ Section 29, Cascade Township.

Mr. Brent Svenby presented the staff report, dated May 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Petersson made a motion to approve Annexation Petition #03-14 by Roger Carlsen as recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

Annexation Petition #03-15 by Arleeta Rollins to annex approximately 26.4 acres of land located north of Northway Lane NE, east of Northland Place NE, north of Baffin Lane NE and east of US Highway 63 North. The property is located in the E ½, NW ¼ NE ¼ Section 24, a part of the W ½, NW ¼ NE ¼ Section 24 and a part of the NE ¼ NW ¼ Section 24, Cascade Township.

Mr. Brent Svenby presented the staff report, dated May 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Rivas moved to approve Annexation Petition #03-15 by Arleeta Rollins as



MEETING

153

AGENDA SECTION:
PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM DESCRIPTION: Annexation Petition #03-15 by Arleeta Rollins to annex approximately 26.4 acres of land located north of Northway Lane NE, east of Northland Place NE, north of Baffin Lane NE and east of US Highway 63 North. The property is located in the E½, NW ¼ NE ¼ Section 24, a part of the W½, NW ¼ NE ¼ Section 24 and a part of the NE ¼ NW ¼ Section 24, Cascade Township.

June 9, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on May 28, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of sanitary sewer and water lines from their present ends. The Planning Commission therefore recommends approval of this request.

Ms. Rivas moved to recommend approval of Annexation Petition #03-15 by Arleeta Rollins as recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

Planning Department Recommendation:

See attached staff report, dated May 19, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2003 is \$8.48.

Council Action Needed:

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.

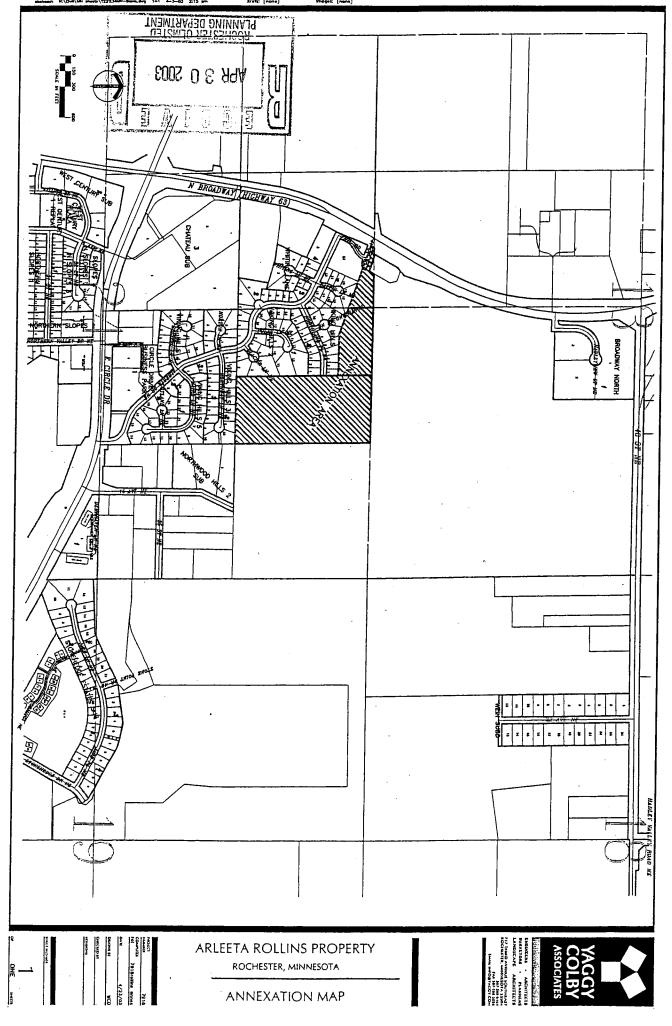
Attachments

- 1. Staff report, dated May 19, 2003.
- 2. Draft copy of the minutes of the May 28, 2003, CPZC meeting

Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Legal Description Attached
- 4. City Finance Director: Tax Information Attached
- 5. Planning Department File
- 6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 16, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 7. Yaggy Colby Associates

COUNCIL ACTION	ON: Motion by:	Second by:	to:









ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/

507/285-8232

PLANNING

GIS/ADDRESSING/ 507/285-8232

MAPPING

HOUSING/HRA

507/285-8224 507/285-8213

BUILDING CODE WELL/SEPTIC

507/285-8345

FAX

507/287-2275

RE:

DATE:

TO:

Annexation Petition #03-15 by Arleeta Rollins to annex approximately 26.4 acres of land located north of Northway Lane NE, east of Northland Place

NE, north of Baffin Lane NE and east of US Highway 63 North. The

City Planning and Zoning Commission

property is located in the E ½, NW ¼ NE ¼ Section 24, a part of the W ½, NW ¼ NE ¼ Section 24 and a part of the NE ¼ NW ¼ Section 24. Cascade

Township.

Planning Department Review:

FROM: Theresa Fogarty, Planner

May 19, 2003

Applicants/Owners:

Arleeta Rollins

4230 Highway 63 North Rochester, MN 55906

Architect/Engineer:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Existing Land Use:

This property is currently undeveloped land.

Existing Zoning:

The property is zoned A-4 (Agricultural Urban Expansion)

District on the Olmsted County zoning map.

Future Zoning:

Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential) district on the Rochester Zoning Map.

Land Use Plan:

This property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal

Limits:

The property is adjacent to the city limits along its southern

Sewer & Water:

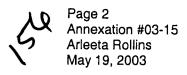
and western boundaries.

This area is partially within the Main Level Water System Area, which is currently available at both 41st Street NE and Northland Place NE and partially within the Northeast Intermediate Level Water System Area which is available both at the east end of Northway Lane NE and at the intersection of

16th Avenue NE and East Circle Drive NE.

Municipal sewer and water is available to serve this property.





Utilities:

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, June 16, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

No referral comments attached.

Report Attachments:

1. Annexation Map / Location Map

Staff Recommendation:

This property is adjacent to the City limits and can be served by city water services upon extension of the water lines from their present ends. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

MINUTES OF THE CITY OF ROCHESTER PLANNING COMMISSION 2122 CAMPUS DRIVE SE – SUITE 100 ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, May 28, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Lisa Wiesner, Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. John Hodgson; Mr. Robert Haeussinger; Mr. James Burke; Mr. Paul Ohly; Mr. Michael Quinn, Vice Chair; and Mr. Randy Staver

Members Absent:

Staff Present: Mr. Brent Svenby and Ms. Stephanie Foster

Other City Staff Present: Ms. Pat Alfredson, City Attorney and Mr. Terry Spaeth, City Administration

ADMINISTRATIVE BUSINESS:

Mr. Haeussinger made a motion to approve the minutes of May 14, 2003, as written. Mr. Quinn seconded the motion. After a short discussion, the minutes from May 14, 2003 were approved unanimously.

Mr. Haeussinger made a motion to approve the agenda, as written. Mr. Quinn seconded the motion. The motion carried unanimously.

ANNEXATIONS:

Annexation Petition #03-14 by Roger Carlson to annex approximately 59.92 acres of land located north of 19th Street NW and east of 50th Avenue NW. The property is located in a part of the NW ¼ Section 29, Cascade Township.

Mr. Brent Svenby presented the staff report, lated May 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planking Department.

Ms. Petersson made a motion to approve Annexation Petition #03-14 by Roger Carlsen as recommended by staff. Mr. Quinn seconded the notion. The motion carried 9-0.

Annexation Petition #03-15 by Arleeta Rollins to annex approximately 26.4 acres of land located north of Northway Lane NE, east of Northland Place NE, north of Baffin Lane NE and east of US Highway 63 North. The property is located in the E ½, NW ¼ NE ¼ Section 24, a part of the W ½, NW ¼ NE ¼ Section 24 and a part of the NE ¼ NW ¼ Section 24, Cascade Township.

Mr. Brent Svenby presented the staff report, dated May 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Rivas moved to approve Annexation Petition #03-15 by Arleeta Rollins as



Page 2

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

Mr. Staver stated that an additional water tower would be required if the area would be developed further to the northeast. He asked if this had been changed to alleviate the problem of water and utilities.

Mr. Svenby stated that the area is probably being serviced from the water tower that was constructed in the Stonehedge Development.

Annexation Petition #03-16 by Ernest Morris to annex approximately 39.7 acres of land located north of 16th Avenue NE and Northern Hills Second Subdivision. The property is located in a part of the NE ¼ of the NE ¼ Section 24, Cascade Township.

Mr. Brent Svenby presented the staff report, dated May 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Petersson moved to approve Annexation Petition #03-16 by Ernest Morris as recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

PUBLIC HEARINGS:

Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC to allow the construction of a car wash and service building. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 1, Block 1 41st Street Business Park.

Ms. Wiesner passed the gavel to Mr. Quinn and she stated she would abstain from the hearing.

Mr. Brent Svenby presented the staff report, dated May 22, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Jeff Brown, of 1434 Salem Lane SW, Rochester, MN, addressed the Commission. He stated that the applicant is in agreement with the recommendations by staff.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Haeussinger moved to approve Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC, with staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 8-0, with Ms. Wiesner abstaining.

CONDITIONS:

- The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation

MEETING

159

AGENDA SECTION:
PUBLIC HEARINGS

ITEM DESCRIPTION: Annexation Petition #03-16 by Ernest Morris to annex approximately 39.7 acres of land located north of 16th Avenue NE and Northwood Hills Second Subdivision. The property is located in a part of the NE ¼ of the NE ¼ Section 24, Cascade Township.

DATE: 06-16-03

ITEM NO.

E-8

PREPARED BY:
Brent Svenby,
Planner

June 9, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on May 28, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of sanitary sewer and water lines from their present ends. The Planning Commission therefore recommends approval of this request.

Ms. Petersson moved to recommend approval of Annexation Petition #03-16 by Ernest Morris as recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

Planning Department Recommendation:

See attached staff report, dated May 19, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2003 is \$21.47.

Council Action Needed:

 Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.

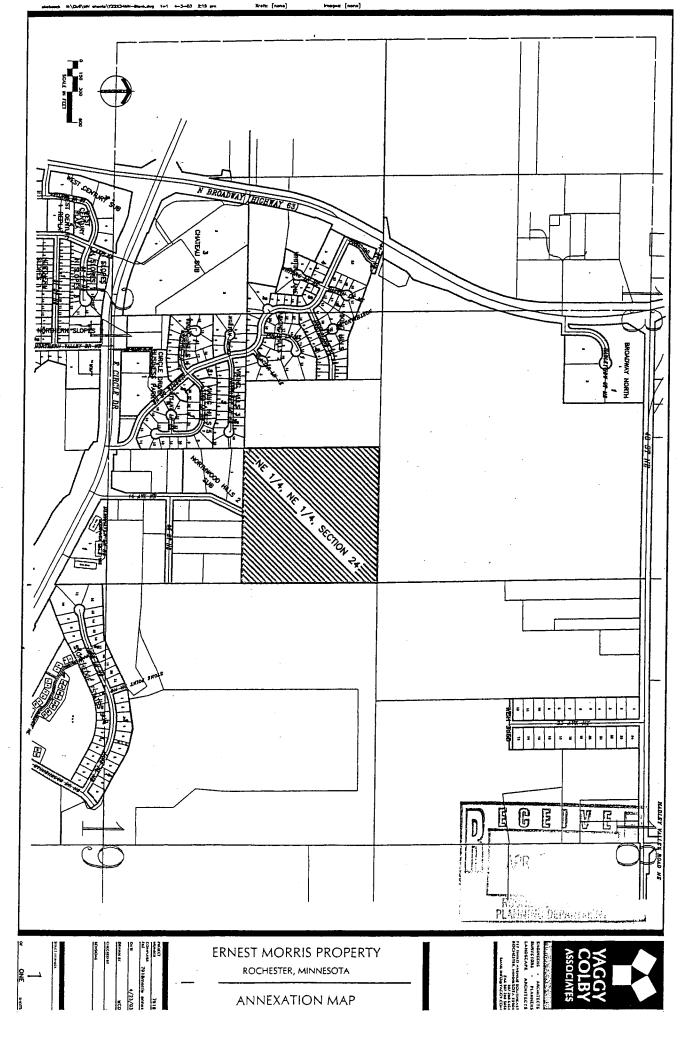
Attachments

- 1. Staff report, dated May 19, 2003.
- 2. Draft copy of the minutes of the May 28, 2003, CPZC meeting

Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Legal Description Attached
- 4. City Finance Director: Tax Information Attached
- 5. Planning Department File
- 6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 16, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 7. Yaggy Colby Associates

COUNCIL ACTION: Motion by:	Second by:	_ to:











ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/

507/285-8232

PLANNING

GIS/ADDRESSING/ MAPPING 507/285-8232

HOUSING/HRA

507/285-8224

BUILDING CODE

507/285-8213

WELL/SEPTIC

507/285-8345

FAX

507/287-2275

RE:

DATE:

TO:

Annexation Petition #03-16 by Ernest Morris to annex approximately 39.7 acres of land located north of 16th Avenue NE and Northwood Hills Second

acres of land located north of 16" Avenue NE and Northwood Hills Second Subdivision. The property is located in a part of the NE ¼ of the NE ¼

Section 24, Cascade Township

City Planning and Zoning Commission

Planning Department Review:

FROM: Theresa Fogarty, Planner

May 19, 2003

Applicants/Owners:

Ernest H. Morris

P.O. Box 121

Zumbro Falls, MN 55991

Architect/Engineer:

Yaggy Colby Associates 717 Third Avenue SE

Rochester, MN 55904

Existing Land Use:

This property is currently undeveloped land.

Existing Zoning:

The property is zoned A-4 (Agricultural Urban Expansion)

District on the Olmsted County zoning map.

Future Zoning:

Upon annexation, the property will be zoned R-1 (Mixed Single

Family Residential) district on the Rochester Zoning Map.

Land Use Plan:

This property is designated for "low density residential" uses

on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal

Limits:

The property is adjacent to the city limits along its Eastern

boundary.

Sewer & Water:

This area is partially within the Northeast Intermediate Level Water System, which is available both at the east end of Northway Lane NE and at the intersection of 16th Avenue NE and East Circle Drive NE and partially within the Northeast High Level Water System Area, which is available to the SE

within Stonehedge Development.

Municipal sewer and water are not currently available, but can

be extended to serve this property.



Page 2
Annexation #03-16
Ernest Morris
May 19, 2003

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, June 16, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

No referral comments attached.

Report Attachments:

1. Annexation Map / Location Map

Staff Recommendation:

This property is adjacent to the City limits and can be served by city water services upon extension of the water lines from their present ends. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

Page 2

City Planning and Zoning Commission Minutes

Hearing Date: May 28, 2003

recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

Mr. Staver stated that an additional water tower would be required if the area would be developed further to the northeast. He asked if this had been changed to alleviate the problem of water and utilities.

Mr. Svenby stated that the area is probably being serviced from the water tower that was constructed in the Stonehedge Development.



Annexation Petition #03-16 by Ernest Morris to annex approximately 39.7 acres of land located north of 16th Avenue NE and Northern Hills Second Subdivision. The property is located in a part of the NE ¼ of the NE ¼ Section 24, Cascade Township.

Mr. Brent Svenby presented the staff report, dated May 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Petersson moved to approve Annexation Petition #03-16 by Ernest Morris as a recommended by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

PUBLIC HEARINGS:

Type III, Phase II Special District Amendment Final Site Development Plan #03-03-by Elton Hills Plaza West LLC to allow the construction of a car wash and service building. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 1, Block 1 41st Street Business Park.

Ms. Wiesner passed the gavel to Mr. Quinn and she stated she would abstain from the hearing.

Mr. Brent Svenby presented the staff report, dated May 22, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Jeff Brown, of 1434 Salem Lane SW. Rochester, MN, addressed the Commission. He stated that the applicant is in agreement with the recommendations by staff.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Haeussinger moved to approve Type III, Phase II Special District Amendment Final Site Development Plan #03-03 by Elton Hills Plaza West LLC, with staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 8-0, with Ms. Wiesner abstaining.

CONDITIONS:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation

MEETING

(0)

DATE:

AGENDA SECTION: PUBLIC HE	EARINGS	ORIGINATING DEPT: Public Works	ITEM NO. E-9
ITEM DESCRIPTION:	Hearing: Sanitary Sewer and Wa Welch Subdivision Area, J9789	termain Extension to Serve the	PREPARED BY: J. Loehr

This is a Hearing to consider the following local improvement project:

Project No. M1-28, J9789

"Sanitary Sewer and Watermain Extension to Serve the Welch Subdivision Area."

The estimated construction costs and expense of this project are as follows:

Sanitary Sewer	\$ 81,885
Watermain	104,166
Service Connections	24,465
Restoration	113,031
Sub-Total	\$323,547
Engineering, Interest, Contingencies	97,064
Total Estimated Project Cost	\$420,611

Department of Public Works staff conducted an informational meeting on September 30, 2002 at the request of several owners of property located adjacent to 33rd Street SE in the Welch Subdivision Area. The meeting was conducted to provide information regarding the City of Rochester Water Quality Protection Program adopted by the City Council on December 21, 1998, and to provide the Area a "second chance" to participate in the WQPP.

A Public Hearing was previously conducted on May 7, 2001 for a Welch Subdivision Area sanitary sewer and watermain project, at which time the City Council, due to a lack of neighborhood support, adopted a resolution to not proceed with the project.

33rd Street SE is a portion of the original Welch Subdivision project area. The 33rd Street property owners now desire to participate in the Water Quality Protection Program and request City Council consideration to extend sanitary sewer and watermain to serve the properties adjacent to 33rd Street SE.

The Welch Subdivision Area and the lots contained therein are currently located outside the City of Rochester. However, an Orderly Annexation Agreement #5 between the City and Marion Township was adopted by the City Council on September 20, 1999 for the Welch Subdivision Area.

The project is proposed to be funded from sewer and water connection charges (Utility Connection Agreements) and Sales Tax revenue appropriated to the Water Quality Protection Program for rate caps and per lot caps, and Rochester Public Utilities for oversize watermain costs.

COUNCIL ACTION REQUESTED:

Attachments: Feasibility Report

If the Council wishes to proceed a resolution could be adopted ordering the project to be made. Since the Welch Subdivision area was petitioned by greater than 50% of the owners of property affected by the project, a simple majority vote of the Council is required for adoption.

Location Map		
COUNCIL ACTION: Motion by:	Second by:	to:



REPORT ON THE FEASIBILITY OF PROPOSED LOCAL IMPROVEMENT PROJECT

TO SERVE THE WELCH SUBDIVISION AREA.

May 19, 2003

Honorable Mayor & Common Council City of Rochester, Minnesota

A petition for sanitary sewer and watermain to serve the Welch Subdivision Area was forwarded by the City Council at their meeting of May 17, 1999 to the Public Works Department for the preparation of a Feasibility Report. The petition was checked and found to be in proper form and was signed by 9 of 13 property owners of developed lots that contain either a single-family residential dwelling or a commercial structure. This represents 69.2 percent of the developed lots within the Welch Subdivision Area that are eligible to participate in the City of Rochester, Water Quality Protection Program adopted by the City Council on December 21, 1999. The Welch Subdivision Area also includes 7 undeveloped lots.

Feasibility Report

We report that the above referenced project is feasible and recommend its construction. The location of this project is within an area of existing single-family residential development and existing commercial development that currently lacks city sanitary sewer and watermain. A majority of the septic systems and wells within the Area were constructed prior to the State of Minnesota and Olmsted County having any requirements or standards for construction of septic systems and wells. The lots are typically under ½ acre in size and are unable to absorb the nitrates created from the septic systems. There is an increasing threat of contamination to the City of Rochester's ground water supply as the existing septic systems and wells begin to fail. This project would allow property owners of lots containing existing single-family residential dwellings and developed commercial lots to connect to public sanitary sewer and water systems rather than replacing their old systems when they fail. This project also allows the undeveloped lots to develop with city sewer and watermain

The costs of this project are proposed to be recovered through sanitary sewer and watermain connection charges (Utility Connection Agreements), sales tax revenue appropriated to the City of Rochester, Water Quality Protection Program for existing single-family residential development and developed commercial property, and Rochester Public Utility share for oversize watermain costs.

The proposed project consists of the installation of an 8-inch sanitary sewer lines, 8 and 12-inch watermain lines, and sanitary sewer and water service connections throughout the Welch Subdivision Area.

City sanitary sewer will be available at the west edge of the Welch Subdivision Area after sanitary sewer is constructed to serve the Thomas Subdivision Area located north of the Welch Subdivision Area.

Watermain is currently available at the intersection of 30th Avenue SE and Marion Road SE. Trunk watermain will be extended from that location to serve the Welch Subdivision Area and other subdivisions in Marion Township that are located between 30th Avenue and the Welch Subdivision Area that have requested the extension of city sanitary sewer and watermain through the City of Rochester Water Quality Protection Program Area.

Applicable Connection Charge Rates and per Lot Caps

Since the original Welch Subdivision Area petition was received prior to August 1, 1999, the date that the Water Quality Protection Program rates and per lot caps were adjusted by the change in the Engineering News Record Construction Cost Index as measured in the Minneapolis/St. Paul area during the preceding calendar year, the Department of Public Works recommends that the sanitary sewer and watermain connection charges for this project be based on the connection charge rates and per lot caps in affect at the time the petition was received by the City as follows:

- Maximum sanitary sewer and water connection charge rate of \$66.30 per foot of frontage.
- Maximum sewer and water connection charge per lot cap for a developed lot that contains a habitable single family dwelling unit shall be as follows:
 - 1) maximum \$8,160 per lot for any developed lot 1/2 acre or less.
 - 2) \$8,160 per lot, plus \$0.19 per square foot for any developed lot greater than ½ acre up to 1-1/2 acre.
 - 3) maximum \$16,320 per lot for any developed lot 1-1/2 acre or larger.

The estimated construction costs and expenses of	f the project made without completed plans or survey are
as follows:	The state of the s

Watermain 135 416	Sanitary Sewer	\$106,451
199,710	Watermain	•
Server and Water Comment on Chil. Out	Sewer and Water Service Connection Stub-Outs	31,804
Pertoration 51,004		146,940
Estimated Cost of the Project \$420,611	Estimated Cost of the Project	

The estimated project costs are proposed to be funded as follows:

Utility Connection Agreements	\$211,254
Rochester Public Utilities (oversize watermain costs)	5.500
Sales Tax Revenue (see below)	203,857
Estimated Project Costs	\$420,611
	.547.0.0.1

Amount of sales tax revenue required for the Project

Sales Tax (Rate Cap and per Lot Cap)	\$191,754
Sales Tax (Sewer Service Stub-Out Allowances) 13 services x \$750/serv.	9.750
Sales Tax (Water Service Stub-Out Allowances) 13 services x \$750/serv.	9,750
Estimated Amount of Sales Tax Funding Required for Construction of Project	
The state of the s	\$211,254



Estimated additional sales tax revenue required for work on private property

Of the 20 lots within the project area 12 lots contain a single-family residential dwelling and 1 lot is a developed commercial property. These lots are eligible for *Allowances* through the Water Quality Protection Program as follows:

Sewer Service Lateral	13 lots x \$1,000 per lot	\$ 13,000
Water Service Lateral	13 lots x \$1,000 per lot	13,000
Well Closure	13 lots x \$1,100 per lot	13,000
Septic Closure	13 lots x \$ 500 per lot	6,500
Estimated Amount of Sales Tax Revenue Required for Allowances for Work on		\$ 45,500
Private Property	-	Ţ 15,500

Estimated sales tax revenue required for construction of Project and Allowances

Estimated Amount of Sales Tax Revenue for Construction of the Project	\$211,254
Estimated Amount of Sales Tax Revenue Required for Allowances	45,500
Estimated Amount of Sales Tax Revenue Required for Construction of the Project	\$256,754
and Allowances for Work on Private Property	Ψ230,73 -

We recommend that the necessary funding to construct sanitary sewer, watermain and service connections in the Welch Subdivision Area be done so in accordance with the City of Rochester's existing sanitary sewer and watermain connection charge policies and the Water Quality Protection Program. Property owners that desire to participate in the Water Quality Protection Program and the benefits contained therein, are required to:

- 1. Enter into a Utility Connection Agreement with the City within three (3) years of the date the City initiates the project.
- 2. Connect the existing single-family residential dwelling or existing developed commercial property to the public sewer and water systems within five (5) years of the date of project initiation.
- 3. Consent to annexation of their property consistent with the conditions of an Orderly Annexation Agreement between the City and Rochester Township, or to the City initiated annexation of the Area as is currently proposed by the City.

Submitted for your consideration:

James M. Loehr,

Water Quality Protection Program

Project Manager

Richard W. Freese Director of Public Works

hillw. free

City Engineer

BUDGET AND ASSESSMENT SCHEDULE FOR CONSTRUCTION CONTRACT

Project No:

J No:

M1-28

9789

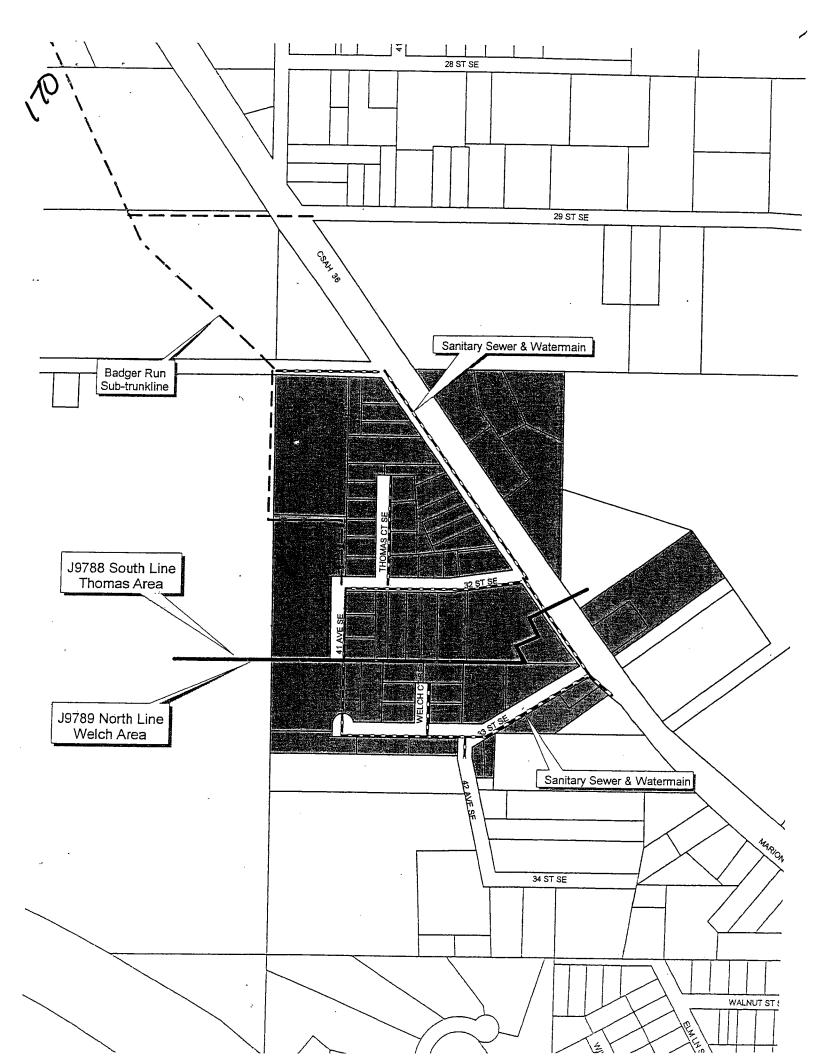
Date (Orig.) 05/19/2003

Description:

Sanitary Sewer & Watermain Extension to Serve the Welch Subdivision Area

Construction	Project Budget	Contract Cost	Final Cost
Sanitary Sewer	\$ 81,885		
Watermain	104,166		•
Service Connections	24,465		
Restoration	113,031		
Engineering/Interest/Contingency	97,064		
Total Construction & Expense	\$ 420,611		
Cost Distribution			
Anticipated Utility Connection Agreements	\$ 203,857		
Rochester Public Utilities (oversize watermain)	5,500		
Sales Tax Funding	211,254		
TOTAL	\$ 420,611		

Make Initial Disbursement from P. I. R. Fund



AGENDA SECTION: Public Hearing	ORIGINATING DEPT: CHARTER COMMISSION	E-10
ITEM DESCRIPTION: Request to set public hearing for charter amendment by ordinance – clarification of board member removal process.		PREPARED BY: Charter

The Charter Commission proposes that the City Council amend Subdivision 4 of Section 7.03 of the Rochester Home Rule Charter, to clarify that it is the City Council that shall hold a public hearing and determine if a "charter board" member should be removed based upon a citizen petition.

In 1999, the Charter Commission proposed a process for the removal of board members that was adopted by ordinance approved by the City Council. For charter boards (park, library and utility), the process includes removal by action initiated by the board, or by petition filed by not less than 50 registered voters of the City. It was the Charter Commission's intent that the latter process result in a hearing before the City Council, and that the City Council would make the determination if cause existed for the removal. However, the manner in which this subdivision was drafted does not clearly identify this as the process to be followed. It is the Charter Commission's belief that this decision should be made by the City Council who is the appointing authority and who is ultimately responsible to the voters. The proposed amendment reads as follows:

Subd. 4. (Petition for Removal of Board Member). Whenever 50 or more registered voters of the City of Rochester shall file with the City Council a petition demanding the removal of an appointed board or commission member, and setting forth the facts upon which such demand for removal is based, the City Council shall, upon notice to the board or commission member whose removal is sought, schedule and hold a public hearing to review the basis for such demand. The Council shall provide the member whose removal is sought with a copy of the petition and shall also provide a reasonable opportunity to be heard in person or by counsel in his own defense at the hearing. For charter board members, the Council shall not remove the board member except for cause. For charter board members, the Council shall not remove the board member except for cause, the provisions of Subd. 2 above shall apply and the petition shall constitute the written charges. For non-charter boards and commissions, the City Council shall determine whether the best interests of the City are served by the removal.

Under Minn. Stat. §410.12, subd. 7, amendments to the charter may be made by ordinance upon recommendation by the charter commission. Amendment of a charter may be made only after a public hearing and by affirmative vote of all its members subject to the public's right to object by petition within 60 days of publication. In no event is the ordinance effective until 90 days after publication.

COUNCIL ACTION REQUESTED: That the City Council, by a unanimous vote of all its members, adopt the proposed ordinance amending Subdivision 4 of Section 7.03 of the Rochester Home Rule Charter. Following the public hearing the council may adopt the ordinance amending the charter by affirmative vote of all its members subject to the public's right to object by petition. If it wishes, the Council may suspend its rules by affirmative vote of all members present and give the ordinance both readings.

COUNCIL ACTION: Motion by:	Second by:	to:
COUNCIL ACTION: Motion by:	Second by	



MEETING 173

		DATE: <u>6/16/03</u>
AGENDA SECTION: Reports & Recommendations	ORIGINATING DEPT: City Administrator	ITEM NO.
ITEM DESCRIPTION: Findings of Fact for Conditional us appeal #03-01 (Zumbro River Constructors and L	e Permit #03-11 and Variance	PREPARED BY: T. Spaeth
At the June 2, 2003 City Council meeting, the Council It Conditional Use Permit #03-11 and Variance Appeal #03 of the Zumbro River and west of Highway 52. Upon review of the record, the City Attorney has prepare said request. Attached for the Council's review are the fine ATTACHMENTS: • Copy of City Attorney prepared Findings of fact and the council is a contract to the council is review.	d findings of fact and conclusions dings of fact prepared by the City	south of Lake George, north of law and order relating to Attorney.
COUNCIL ACTION REQUESTED: The Council may adopt, modify or revise the findings of f	fact, conclusions of law and order a	as needed.
COUNCIL ACTION: Motion by: Secon-	d by: to:	



OFFICE OF THE CITY ATTORNEY MEMORANDUM

DATE:

June 9, 2003

To:

Stevan E. Kvenvold - City Administrator

FROM:

Terry L. Adkins – Rochester City Attorney

SUBJECT:

Findings of Fact for Conditional Use Permit #03-11 and Variance Appeal #03-01

(Zumbro River Constructors and Lake George)

On June 2, 2003, the Council held a public hearing to consider the request for the approval of Conditional Use Permit #03-11 and Variance Appeal #03-01 (Zumbro River Constructors and Lake George) concerning property located south of Lake George, north of the Zumbro River and west of Highway 52. Following the hearing, the Council directed me to prepare draft Findings of Fact, Conclusions of Law and Order and to bring this document back to the Council for its review and consideration. As further instructed by the Council, I prepared the Findings document so as to grant the requests for approval.

I enclose that draft document for presentation to the Council. The Council may adopt, reject or modify the document as it pleases.

Enclosure

175

BEFORE THE COMMON COUNCIL

CITY OF ROCHESTER, MINNESOTA

In Re:

Conditional Use Permit #03-11 and Variance #03-07 by Zumbro River Constructors Findings of Fact, Conclusions of Law, and Order

On June 2, 2003, the City of Rochester Common Council conducted a public hearing, upon notice to the public, to consider Conditional Use Permit #03-11 and the appeal of Variance #03-07 requested by Zumbro River Constructors ("Applicant"). The Applicant seeks approval to permit excavation of property located south of Lake George, north of the Zumbro River and west of T.H. 52 ("Site"). Excavation is proposed to provide construction materials for the T.H. 52 reconstruction improvement project ("ROC52 Project") and would include haul route access directly to T.H. 52. The Site includes approximately ten acres of land zoned R-1 (Mixed Single Family Residential), which is also in the Flood District and Shoreland District. Multiple conditional use permits and variances will be considered as part of this application.

At the hearing, Jeff Broberg of McGhie and Betts appeared and testified on behalf of the Applicant and testified in favor of the requests. Numerous neighbors appeared and testified in opposition to the requests. Attorney Robert Suk appeared on behalf of five of the six relevant homeowner associations and testified in opposition to the requests. In all, the Council conducted an hour and a half public hearing on this issue.

1



The Council considered the information contained in the agenda packet. A copy of the relevant agenda packet is attached, incorporated herein and identified as Exhibit A. The Council also considered letters submitted by adjacent property owners, a copy of which is attached, incorporated herein and identified as Exhibit B. The Council also considered testimony provided at the public hearing. Based upon all of the testimony and written evidence presented at the public hearing, the Common Council of the City of Rochester does hereby make the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

- 1. This matter is properly before the Common Council pursuant to R.C.O. §§60.533(4), 60.733(1), 61.301 and Minn. Stat. §462.3595, subd. 2.
- 2. The Applicant seeks approval to permit excavation of property located at the Site. Excavation is proposed to provide construction materials for the ROC52 Project and would include haul route access directly to Highway 52. The Site includes approximately ten acres of land zoned R-1 (Mixed Single Family Residential), which is also in the Flood District and Shoreland District.
- 3. In summary, the applicant is proposing to extract sand & gravel materials from the Site. Excavation would begin this year and be completed in 2006. This time frame coincides with the schedule for the ROC52 Project. In order to coordinate the excavation with the ROC52 Project time frame, the Applicant is requesting approval to operate 24 hours a day, 7 days a week, 12 months a year as the weather and seasons permit. Temporary light fixtures would be used for night operations, similar to lighting for night construction within the ROC52

construction zone (which is directly adjacent to the east side of this property). As part of the ROC52 Project, excess earthen materials will be removed from the construction zone which will need to be disposed of. The Applicant is proposing to utilize some of this excess earth material to reclaim the excavation Site (primarily the slope of the lakebed), which will result in some materials being hauled in to the Site during the phasing of the project. Applicant proposes temporary stockpiling in the Flood District so as to provide enough materials for one day of hauling from the Site.

- 4. The Applicant applied for the following conditional uses:
 - A. Excavation of sand/gravel in the Floodway District pursuant to R.C.O. §62.833; and
 - B. Sand and gravel excavation pursuant to R.C.O. §62.1000.
- 5. The Applicant applied for the following variances:
 - A. R.C.O. §62.1006(1)(b)(2) does not permit shoreland alterations and intensive vegetation clearing within 50 feet of the ordinary high water mark. Applicant seeks to clear and excavate within 35 feet of the ordinary high water mark.
 - B. R.C.O. §62.1106(2)(e)(2) states that water bodies should be a minimum five acres with an average depth of 24-30 feet. Applicant seeks a water body with a maximum of 4.6 acres and without the average depth.
 - C. R.C.O. §62.1106(4)(b) states that a 50-foot bufferyard with plantings along the perimeter of the site to be planted in the first season. Applicant seeks to excavate within 35 feet of the ordinary high water mark. Existing vegetation will remain in that area to provide some buffer during operation.
 - D. R.C.O. §62.1108(1)(b) states that the hours of operation should be from 7am to 10pm. Applicant seeks to operate 24 hours a day and to use lighting at night.

18

- E. R.C.O. §62.1108(1)(j) states that a six-foot security fence must be installed along entire perimeter. Applicant seeks to provide a security fence only along the north and west property boundaries. The Zumbro River will provide a barrier to the south and T.H. 52 will provide a barrier to the east.
- F. R.C.O. §62.1108(1)(k) states that there must be a 500-foot setback to adjacent property zoned R-1 and a 750-foot setback to stockpiles and loading areas. Applicant seeks to avoid these setback requirements.
- G. R.C.O. §62.1108(1)(q) states that there should be no excavation within 100 feet of protected waterbody, unless permitted by the DNR. Applicant seeks to excavate within 35 feet of the ordinary high water mark.
- 6. R.C.O. §61.146 provides the criteria by which the Applicant's request for conditional use permits must be determined. That section states as follows:
 - 61.146 **Standard for Conditional Uses**: The zoning administrator, Commission or council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - 1) Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
 - 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.

4

- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 7. R.C.O. §62.824 states that, when a request for a conditional use permit involves a flood district, the following factors should also be considered:
 - 62.824 Conditional Use Permits Standards for Approval: When deciding on Conditional Use Permits in any of the flood districts, the following factors, in addition to the standards of Paragraph 61.146 shall also be considered:
 - 1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary condition.



- 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- 5) The importance of the services provided by the proposed facility to the community.
- 6) The need for a waterfront location for the facility.
- 7) The availability of alternative locations not subject to flooding for the proposed use.
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- 10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- 12) Such other factors which are relevant to the purposes of Paragraph 62.800.
- 8. R.C.O. §62.1105 states that, when a request for a conditional use permit involves an excavation activity, the following findings must be made:

62.1105 FINDINGS NECESSARY FOR ISSUANCE OF CONDITIONAL USE PERMITS:

The City shall approve a conditional use permit authorizing an excavation activity only if <u>all</u> of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the

- property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- The proposed use will not adversely affect air quality or ground water or surface water quality;
- The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
- The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
- 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
- 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
- 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
- 10) The excavation activity will not result in negative impacts on



drainage patterns or stormwater management facilities;

- 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
- 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
- 13) Permanent and interim erosion and sediment control plans have been approved by the City;
- 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
- 15) The proposed activity complies with the requirements of the adopted building code.
- 9. R.C.O. §60.417 states that the City may grant a variance to the provisions of the Zoning Ordinance under the following guidelines:
 - A. there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
 - B. the variance is necessary to permit the reasonable use of the property involved; and
 - C. the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of the ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
 - D. the variance as granted is the minimum necessary to provide reasonable economic use of the property.

- 10. Minn. Stat. §462.3595, subd. 1 states that a local governing body may approve a conditional use upon a showing by the applicant "that the standards and criteria stated in the ordinance will be satisfied."
- 11. The Planning Department staff recommended the following findings of fact for the requested variances:

EXCEPTIONAL CIRCUMSTANCES: There are no residential dwellings as land uses that directly abut this property. To the north, is the existing Lake George. Homes on the north side of that lake are approximately 600' from the property included in this petition. To the west, the nearest homes are approximately 870' from the Zumbro River which is near the western boundary of proposed excavation included in this petition. To the south is the Zumbro River, City Park land and other undeveloped parcels. TH 52 abuts this property to the east. The applicant is proposing a relatively short time frame (approx 3 years) to complete the excavation and reclamation of this property, to coincide with the condensed ROC52 reconstruction project. Direct access to TH 52 will result in no hauling on local City or County roadways.

REASONABLE USE: Most of this property is in the Floodway. Use of the property is very limited due to the Floodway designation of the property. Though Variances may not be required to permit the reasonable use of the property involved, granting of the Variances would provide reasonable use of the site for extraction of the granular material resource.

ABSENCE OF DETRIMENT: The granting of this variance request does not appear to be materially detrimental to the public welfare or to other property in the area. TH 52 will undergo significant transformations during the same time frame proposed for excavating this site. The Highway will be a construction zone, that will generate noise, truck traffic and night lighting associated with such a major project. Since the property included in this petition is directly adjacent to the Highway, excavation activities may appear more ancillary to the overall ROC52 project and the impacts of this excavation activity may be noticed less than without the ROC52 project. Water quality issues, related to the size and depth of the proposed water body have been addressed by the applicant's consultant.

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MINIMUM VARIANCE: Variances requested, though they may not be the minimum necessary, would provide reasonable economic use of the property to extract the maximum amount of material possible while maintaining the ability to reclaim the site as required by the Rochester Zoning Ordinance and Land Development Manual.

- 12. The Planning Department staff did not recommend any findings of fact for the Applicant's requested conditional use permits. However, the Planning and Zoning Department staff recommended approval of the Applicant's request subject to the following conditions:
 - A. Prior to excavation, the Applicant must provide the City with a financial security consistent with R.C.O. §62.1108(1)(i).
 - B. Stockpiling of materials on this Site shall be limited to materials excavated from this property. Stockpiling shall be temporary to provide one day worth of material to be hauled from the Site. Stockpiles shall be removed from the Site prior to ceasing operations for more than five working days.
 - C. Approval of this permit shall expire January 7, 2007, unless permit approval is extended as provided in R.C.O. §62.1110(7). All reclamation activities must be completed prior to the date of expiration, consistent with reclamation standards of the Rochester Zoning Ordinances and Land Development Manual.
 - D. Prior to dewatering, the Applicant must file with the Planning Department a copy of an approved Water Appropriations Permit from the MNDNR for such activity.
 - E. Prior to commencing operations on this property, the Applicant shall obtain grading plan approval from the City.
- 13. On May 14, 2003, the Planning and Zoning Commission met to consider this matter. At the Commission's hearing, many neighbors appeared and testified that they had a use agreement that provided for their use and enjoyment of Lake George. They indicated the granting of the conditional use permits and variances to the Applicant would violate those use



agreements. Primarily for that reason, the neighbors asked the Commission to recommend the denial of these requests. The Commission recommended the denial of Conditional Use Permit #03-11 and denied Variance #03-07. The matter of the conditional use permits came before the Council as required by ordinance. Applicant also appealed the denial of the variances to the Council.

- 14. At the June 2nd public hearing, the City Attorney indicated that Council could not consider any private use agreements that might be impacted by the requested conditional use permits and variances. According to the City Attorney, the City is not a party to any of these agreements. Furthermore, the City is proceeding on the basis of its land use laws which are independent and separate from any private use agreements. The City Attorney indicated that the City's review of the Applicant's requests would be confined to the criteria provided by the City's land use ordinances. If the City approves the requested conditional use permits and variances, and if such activity would amount to a breach of any private use agreement, the property owners would have their own personal legal actions available to them to seek redress for any resulting breach of contract.
- 15. At the June 2nd public hearing, Mr. Broberg testified on behalf of the Applicant and stated the following:
 - A. Buzz Quick owns the Site. The Applicant seeks to mine sand and gravel on this parcel pursuant to its contract with the State of Minnesota for the ROC52 Project.
 - B. The Site is zoned R-1, has no public road access, it is in the flood way and it abuts the ROC52 Project.
 - C. Sand and gravel extraction is allowed on this property as a conditional use if the extraction satisfies the applicable criteria.



- D. The plan is to haul excavated sand and gravel directly to the work site of Highway 52 and avoid putting 25,000 dump trucks on city streets and county roads. The plan will not add additional traffic to the local streets. The heavy truck traffic will be restricted to a work zone rather than city streets.
- E. This is a temporary project. All of the excavated material will be used solely for the ROC52 Project. There will be three years of excavation and one year of restoration. Following restoration, there will be a new lake adjoining the Zumbro River and the existing Lake George.
- F. There will be no new structures. Applicant will maintain the tree buffer along the existing lake. There is an erosion control plan. Exterior lighting will be temporary in nature and will only occur during nighttime work (about 30 days a year). The access is to the work zone.
- G. There is a plan to abate and mitigate excessive noise and dust.
- H. The wooded corridor will be preserved and the landscape plan will involve additional trees, plants and trails around the lake.
- I. This plan is compatible with existing development. Lake George is immediately adjacent to this site. This is the process by which Lake George was created. The nearest neighbors are 540 feet from the Site. There will be no other development as a result of this excavation/restoration plan.
- J. There will be no adverse impact on drainage patterns or wetlands.
- K. The plan has no impact on the 100-year flood elevations. There will be no increase in water levels as a result of the plan.
- L. Emergency access will be maintained by way of haul roads.
- M. There are extraordinary conditions for the Site. This is a reasonable use of R-1 property that has not road access, is within the flood way and is situated to be of major assistance in the ROC52 Project. This is an irregular sized parcel. Nighttime use is needed because of the accelerated schedule for completion of the ROC52 Project.
- N. The variances are necessary for the best use of the Site as a source of sand and gravel immediately adjacent to the ROC52 Project. There is no other use of the land. Timing and location are such that this is the best use of this land.

- O. There is no detriment to the public. There will only be a temporary interference with the public's use of the property and there will be efforts to minimize any interference with the private use of the property. Applicant will preserve the trees along the shoreline and trees will be part of the restoration plan. Applicant will maintain the water level of Lake George. Applicant will maintain and improve the pedestrian trails around Lake George and relocate the picnic facilities away from the construction work. Temporary noise barriers and nighttime lighting will be used. There will be a phasing plan.
- P. The variances are limited in nature as they will only apply so long as the excavation is required for the ROC52 Project.
- 16. At the June 2nd public hearing, Mr. Broberg distributed a packet of information to the Council. A copy of that packet is attached, incorporated herein and identified as Exhibit C. On page 2 of Exhibit C, the following proposed findings of fact for R.C.O. §61.146 appear:
 - A. There will be no additional traffic on local streets. All vehicular activity will occur within the Highway 52 work zone. Pedestrian traffic on a private trail around Lake George will be maintained and will be separated from the work zone by a fence.
 - B. No structures will be constructed on the site and there will be no impact on public utilities.
 - C. The view of the site from properties along Lake George will be unchanged because of a buffer of existing trees and vegetation will be maintained around the site.
 - D. An erosion control plan using Best Management Practices has been submitted as part of the application.
 - E. Night lighting will be provided when night work occurs on the site (approximately 30 days per year). Temporary portable lighting will be below grade and therefore, will not be visible from the highway or homes on the other side of Lake George.
 - F. The access road within the Highway 52 work zone will provide adequate access for emergency vehicles.
 - G. Any changes in phasing will be submitted to city staff for review.



- H. The site is zoned R-1, has no public road access, lies within the flood district, and has an unusual configuration. This is a reasonable and efficient use of the site, which cannot be developed under current circumstances. The proposed use is permitted in R-1 zones by CUP. Application has been made for all appropriate variances.
- 17. On page 4 of Exhibit C, the following proposed findings of fact for R.C.O. §62.1105 appear:
 - A. Mining operation and disposition of fill soils will be done in compliance with best engineering practices. There will be no increase in traffic on local streets. This site will be fenced and there will be no public access to the site.
 - B. A complete restoration plan has been provided with the application, which includes the creation of a new lake and re-vegetation of the disturbed area with trees, native plants and wetland grasses and wildflowers. A new trail will be built around the new lake. Noise will be controlled with temporary portable sound barriers and dust will be controlled with water and chloride.
 - C. Use of this site for sand and gravel extraction will significantly decrease truck travel on Highway 52 and local streets near other mining sites. Use of this site will not add traffic to local streets because access is provided directly to Highway 52 through the Highway 52 work zone.
 - D. The existing water levels in Lake George will be maintained at all times. The proposed action will not change the flow or flooding of the Zumbro River. Water quality in Lake George will be improved by the addition of a second lake. The project will have no adverse impact on air quality.
 - E. A wooded corridor will be preserved around the entire site. The view of the site from the Lake George neighborhoods will not be changed. A reclamation plan provides for full restoration of the site including creation of a new lake and re-vegetation of the disturbed area with trees, native plants, wetland grasses and wildflowers.
 - F. The site is zoned R-1, has no public road access, is within the flood district and cannot be developed. The proposed use is reasonable, efficient and best use of the property. Recreational use of the property will be maintained during the temporary mining activity. Residents will continue to have access to Lake George and will continue to have use of the trail and

picnic area presently located on or near the site.

- G. Existing recreational use of the property will be maintained during the temporary mining activity. Residents will continue to have access to Lake George and will continue to have use of the trail and picnic area presently located on or near the site. The water levels in Lake George will be maintained at all times. The reclamation of the site will create additional amenities for adjacent properties.
- H. A buffer of existing trees and vegetation will be maintained around the site.
- I. A complete reclamation plan has been included with the application that provides for restoration and stabilization of cut and fill areas.
- J. The mining activity will comply with requirements related to drainage and storm water management.
- K. There are no impacts on sinkholes, wetlands or other natural features affecting ground water or surface water quality. A no loss certificate has been applied for.
- L. Mining activity will be completed in three years, with restoration in the fourth year. This is a much shorter time frame than most mining operations.
- M. An erosion control plan is provided with the application.
- N. The City Engineer or City Attorney is required to provide the applicant with the necessary amount of surety.
- O. Not applicable.
- 18. On page 4 of Exhibit C, the following proposed findings of fact for R.C.O. §62.824 appear:
 - A. There will be no increased flood heights or velocities caused during the excavation or after the restoration according to the Polaris Group HEC-RAS hydrologic study.
 - B. The land clearing and grubbing will chip the wood products for use as mulch on the project. Stockpiling of materials on the site will be temporary and there is no danger of equipment or materials being swept onto other lands or downstream.



- C. There are no permanent water supply and/or sanitation facilities proposed for the site. During the four year construction and restoration water and portable toilets for workers will be placed out of the floodway on the west end of the site within the MnDOT temporary easement.
- D. There is no proposed facility or structure. All excavation equipment and support equipment will be mobile and can be removed from the work area within minutes.
- E. The sand and gravel excavation, in a location abutting the US 52 project provides safety and efficiency to this massive public works project, keeping 17,000 25,000 truckloads of sand and gravel in the controlled work zone rather than on public streets.
- F. The shoreland location for the project is predicated on the reasonable use of the property, the current zoning, the lack of public road access and the demonstrated geologic deposits of sand and gravel occurring along the Zumbro River.
- G. Alternative sources of sand and gravel on areas not subject to flooding are not known to be available along this reach of the US 52. All other sand and gravel deposits south of 19th Street North are in flood prone areas.
- H. The project area is zoned R-1 with no public road access and lies in the flood district. There is no other reasonable use of the land and no future development is foreseeable. The project will not have direct impact on residential development located 500 feet north, across Lake George and the private recreational use of Lake George, the trail and picnic area will be maintained.
- 1. The project is compatible with the City's flood plain management program.
- J. Emergency access will be provided through the US 52 work zone off the MnDOT right-of-way.
- K. The hydraulic modeling indicates that the mining operation will not increase the 100-year flood elevation more than 0.1 feet adjacent to the mining operation and will have no impact upstream of the mining area.
- L. No other significant or relevant factors.

- 19. On page 9 of Exhibit C, the Applicant states that the seven requested variances fall into two categories:
 - A. Size, shape and configuration of the project as related to land alterations, setbacks, buffer yards and fence locations and land the size of the lake. The variances are necessary due to the irregular size of the parcel, the proximity to the Zumbro River and the unique circumstances of resources next to the US 52 project.
 - B. Operational details. Variances are needed to conduct nighttime work as part of the US 52 project.
- 20. On page 9 of Exhibit B, the following proposed findings of fact for R.C.O. §60.417 appear:

A. Extraordinary conditions:

- (1) This R-1 zoned parcel has not public road access, lies in the flood district, has substantial sand and gravel reserves and abuts the US 52 reconstruction project.
- (2) The size and shape of the parcel, coupled with the project need to maximize sand and gravel production does not fit the one-size-fits-all requirements of the Ordinance for setbacks, buffers, lake size and depth. Variances request reduced setbacks and buffers that will be restored to meet or exceed the requirements.
- (3) The accelerated US 52 project schedule is predicated on 24-hour/day work.
- (4) The fencing is only an effective barrier along the north side. The River is an adequate barrier to the south.

B. The Variances are necessary:

- (1) The only reasonable use of the property is excavation of sand and gravel under a CUP.
- (2) Sand and gravel resources, available 24 hours/day are necessary for US 52.

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C. Not detrimental to the public:

- (1) Keeping the excavation and refilling activity within the work zone is not detrimental to the public.
- (2) The project will not impair or be detrimental to the public use of the property. Private use of Lake George and surrounding land will not be impaired.
- (3) No added flood risk or threats to water quality.
- D. The variances are the minimum necessary:
 - (1) The project duration is limited to the US 52 reconstruction.
 - (2) The project will need materials at night during a portion of the construction season.
 - (3) The project size and dimensions requested are the minimum necessary to meet the project demand for sand and gravel in this project segment.
- 21. In response to a question from Council member Marcoux, Mr. Broberg indicated the Applicant would accept the following additional conditions of approval:
 - A. The Applicant will maintain the associations' recreational use of Lake George including:
 - (1) Maintain the trees on the shoreline of Lake George to preserve the existing view.
 - (2) Maintain the water level in Lake George to be consistent with the historic lake levels that are influenced by the Zumbro River, unless agreed upon by the members of the Lake Board indicating they want the Lake to be drawn down to improve lake quality.
 - (3) Maintain and improve the pedestrian trail that circulates around Lake George for use during the project.

- (4) Relocate the picnic facilities (tables, burn pit/barbeque and lawn) to an area less disturbed by the construction.
- (5) The haul road will be removed upon project completion and no new public access points will be created as part of the project.
- (6) Site restoration beyond that shown on the Landscaping Plan can include either planting of native prairie and wetland plants with wildflowers or can re-vegetate with grasses plus saplings of trees and shrubs.
- B. Applicant will take measures to minimize noise, dust and light from the project.
 - (1) Temporary noise barriers such as concrete curtain walls will be used around the excavation and loading area with Department of Natural Resources approval.
 - (2) Lighting will be limited to nights when loading and hauling occurs (permanent night lights will not be used), and lighting will be the minimum necessary for safe operations and will be directed at the work areas.
 - (3) Dust control will utilize water in the excavation and water or chloride on the haul road.
 - (4) Circulation route design during nighttime will not involve backing up trucks.
- C. Applicant can change the project phasing.
- D. Applicant can control the material to be brought back in.
 - (1) Fill materials will be limited to clean soils, sand, gravel and crushed rock.
 - (2) Fill materials will be from US 52 project only.
- 22. At the June 2nd public hearing, several neighbors appeared and testified as follows:

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- A. The Applicant will only be able to minimize light and noise coming from the excavation. It will not be able to eliminate it. Thus, there will be some inconvenience to the neighbors. The Bamber Valley area has already been subject to inconvenience as part of the ROC52 Project.
- B. A fully loaded diesel truck in low gear will produce about 160 or 165 db of noise. That will be less than 800 feet from some neighbors' windows. 38,000 fully loaded trucks will be required for this excavation project. At any time of the day, that number of trucks will cause loud noise. That noise will be exacerbated by nighttime operations, which will interfere with the residents' use and enjoyment of their homes. The adjacent residents have the right to the quiet enjoyment and reasonable use of their property.
- C. How does one decide what are "minimal" or the least amount of variances needed for this project? Yet, seven variances are not minimal.
- D. A buffer made up of trees will not stop noise. The trees currently do not buffer noise from the nearby soccer fields which are further away from the residences than this Site.
- E. A new lake will only hurt existing Lake George. The neighbors do not want a second lake nor a second set of pedestrian trails around the second lake.
- F. This project will only adversely impact the quality of life for those who live in this area.
- G. These permits and variances will not further the smart growth concept. It will not preserve the natural environment and minimize disturbances to the land, reduce erosion especially for trees, create walk able neighborhoods, foster distinctive, attractive communities, preserve open space, natural beauty and critical environmental areas.
- H. The Applicant has failed to satisfy the criteria for conditional use permits and variances.
- I. Noise from generators powering the lights will add to the noise inconvenience.
- 23. At the June 2nd public hearing, Attorney Robert Suk appeared on behalf of five of the six homeowners associations and testified as follows:

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- A. The City was concerned about litigation resulting from the presence or absence of noise walls along the reconstructed Highway 52 adjacent to commercial and residential areas. For that reason, the City did not get involved in the issue of noise. By approving the Applicant's request, the City would find itself in litigation involving the impact of noise upon the adjacent residents. If the City wanted to avoid litigation involving noise in the Highway 52 reconstruction project, it should do likewise in this case and not grant the requests.
- B. These adjacent residents have acquired a prescriptive easement over the land to be excavated by the Applicant. As such, they have a legally-protected interest in the land and are entitled to compensation under an inverse condemnation theory.
- 24. In response to questions from Council members Nowicki and Hanson, the City Attorney stated the following:
 - A. The matter involving the presence or absence of noise walls along the soon-to-be reconstructed Highway 52 does not involve the City. There is no federal or state statute, nor any city ordinance, that authorizes the City to make any decision or recommendation on that issue. This case, on the other hand, involves requests for conditional use permits for land use activities within the City's boundaries. Further, this case seeks variances from the City's land use ordinances. Here, the City is directly involved and has every right, and indeed obligation, to get involved and to make a decision.
 - B. This City Council cannot make a determination whether the adjacent residents can make the requisite showing of those elements needed to acquire a prescriptive easement over the property in question. That is a judicial determination to be made by a court.
- 25. The neighbors' and adjacent residents' testimony was general in nature. None of the speakers opposing the requests went through the applicable criteria to indicate whether the required finding could or could not be made. Instead, there was a general statement that the Applicant failed to satisfy the criteria.

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- 26. Furthermore, the neighbors' and adjacent residents' testimony focused on the interference with their use and enjoyment of their property during the excavation time period. However, this interference will be temporary in nature. There will be three years of excavation and one year of restoration. After that, this excavation activity will come to an end. The neighbors and adjacent residents have not shown that they will suffer any permanent injury or damage. Viewed over time, there has been no showing that the excavation/restoration activity will ultimately be incompatible with the existing development in this area.
- 27. By its testimony and proposed findings of fact, and its indicated willingness to abide by the ten proposed conditions of approval, the Applicant has shown that it has satisfied all of the criteria applicable to the requests for conditional use permits and variances. Consideration of the applicable guidelines also supports the issuance of the permits and variances. The Applicant has given every indication that it will go to great lengths to minimize as best as possible any interference with the adjacent residents' use and enjoyment of their property. Considering all of the applicable criteria and ordinance considerations, there is no legal basis for the City to deny the Applicant the requested conditional use permits or variances. As such, and pursuant to Minnesota case law, the City is compelled to issue the permits and variances.

CONCLUSIONS OF LAW

1. This matter is properly before the Common Council pursuant to R.C.O. §§60.533(4), 60.733(1), 61.301 and Minn. Stat. §462.3595, subd. 2.

- 2. By a substantial weight of the evidence presented, the Common Council determines that the Applicant's proposed findings of fact for the conditional use permits and the variances, as well as the Planning Department's proposed findings of fact for the variances, are persuasive and are adequately supported by the record. The Council adopts these findings of fact as its own.
- 3. By a substantial weight of the evidence presented, the Common Council determines that it cannot make any of the findings listed in R.C.O. §61.146. As such, the Applicant is entitled to issuance of the conditional use permits.
- 4. By a substantial weight of the evidence presented, the Common Council determines that upon consideration of the additional factors listed in R.C.O. §62.824, the issuance of the conditional use permits does not jeopardize the public's health, safety or welfare.
- 5. By a substantial weight of the evidence presented, the Common Council determines that it can make all of the findings listed in R.C.O. §62.1105 and, as such, the Applicant is entitled to issuance of the conditional use permits.
- 6. By a substantial weight of the evidence presented, the Common Council determines that it can make those findings listed in R.C.O. §60.417 and, as such, the Applicant is entitled to the issuance of the variances.
- 7. By a substantial weight of the evidence presented, the Common Council determines that the Applicant has satisfied the applicable criteria, standards and guidelines for the requested conditional use permits and variances, and its requests should be granted subject to the ten conditions described in Finding of Fact #12 and Finding of Fact #21.

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<u>ORDER</u>

The Common Council of the City of Rochester, pursuant to R.C.O. §§61.146, 62.824,

62.1105, 60.417(b) and 60.762 does hereby approve Conditional Use Permit #03-11 and

Variance #03-07 by Zumbro River Constructors subject to the ten conditions described in

Finding of Fact #12 and Finding of Fact #21. The decision of the Planning and Zoning

Commission as to Variance #03-07 is hereby reversed in its entirety.

Dated at Rochester, Minnesota this _____ day of June, 2003.

John Hunziker, President of the

Rochester City Council

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REQUEST FOR COUNCIL ACTION

MEETING 199 -DATE: 6/16/03

		DATE: 6/16/03
AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS
G. 1. RESOLUTIONS		
G. 2. FIRST READING OF ORDINANCES, as appropriate.		
G. 3. SECOND READING OF ORDINANCES (for adoption).		
 a) An Ordinance Amending and Re-enacting Section 134.46 Of The Rochester Code of Ordinances, Relating To The Removal Of Disabled Vehicles. 		
b) An Ordinance Annexing To The City of Rochester Approximately 4.43 Acres of Land Located In A Part Of The South Half Of The Southwest Quarter Of Section 19, Township 107 North, Range 13 West, Olmsted County, Minnesota. Said Property is located on Baihly Estates Park Property.		
c) An Ordinance Rezoning Approximately 27.63 Acres of Property From The R-3 Zoning District To The M-1 Zoning District And Amending Ordinance No. 2785, Known As The Zoning Ordinance and Land Development Manual of The City of Rochester, Minnesota. Said property is located adjacent to Rochester Athletic Club.		
d) An Ordinance Amending and Reenacting Section 60.506 Of The Rochester Code of Ordinances, Relating To The Issuance Of Permits And Certificates.		
G. 4. MISCELLANEOUS		
COUNCIL ACTION: Motion by:	Second by:	to:

